

Ibn Ḥazm of Cordoba

Handbook of Oriental Studies

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Section 1, The Near and Middle East

Edited by

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Ibn Ḥazm of Cordoba

The Life and Works of a Controversial Thinker

Edited by

Camilla Adang
Maribel Fierro
Sabine Schmidtke



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PREFACE AND ACKNOWLEDGEMENTS

The photograph that graces the cover of the present volume shows the statue of Ibn Ḥazm by the Spanish sculptor Amadeo Ruiz Olmos. It was commissioned by the municipality of Cordoba and unveiled in 1963 to commemorate the gooth anniversary of the death of the famous scholar from that Andalusian city. The town planners could not have found a better location for the statue: it was erected outside the walls of the old city which, although probably not intended as such, is a poignant reminder of the fact that though born and raised in Cordoba, Ibn Ḥazm was actually persona non grata there for much of his life, to the point of having been forcibly removed from the Great Mosque due to his allegedly subversive teachings. It is therefore in other cities and parts of al-Andalus, such as Jativa, Majorca, Almeria and Niebla that Ibn Ḥazm seems to have written most of his four hundred or so works: short epistles, lengthy treatises and multivolume books on a host of topics such as history, genealogy, ethics, belles lettres, religious polemics, Bible criticism, political theory, logic, theology, law and many others. And although Ibn Ḥazm was until recently mostly known as the author of *Tawq al-ḥamāma*, a charming work on love in all its aspects that was translated into many languages, the last decades have witnessed a renewed interest, both in the Muslim world and in the West, in his legal and theological writings. In these works, which made up the bulk of his oeuvre, he usually takes the texts of the sacred sources of Islam in their apparent sense (*ẓāhir*), inveighs against reasoning by analogy or on the basis of personal preference, and severely criticizes those religious scholars who take not the divinely inspired and infallible Prophet Muḥammad as their source of inspiration and authority, but rather the eponymous founders of the different schools of law. It is especially members of the Mālikī school, which was dominant in al-Andalus, who had to bear the brunt of his relentless criticism. He accuses them of excessive veneration of the founding fathers of their school, of putting them on a pedestal, so to speak, which in his view comes close to polytheism, the most unforgivable sin in Islam. It is therefore all the more ironic that the irreverent Ibn Ḥazm should be honoured with a statue, and he would almost certainly have taken a sledgehammer to the monument.

As a result of his vehement attacks on the religious and political establishment, Ibn Ḥazm's writings were publicly burned in his own lifetime. Yet reading the works that have come down to us, one cannot but be impressed by their author's originality, intellectual voracity, profound knowledge,

sarcastic sense of humour, razor-sharp analyses and mastery of the Arabic language, all of which combined to confirm the author's reputation as one of the most brilliant minds produced by al-Andalus.

This volume presents Ibn Ḥazm and his works in their historical context and analyzes his contribution to a variety of religious and secular disciplines. Moreover, it provides an extensive bibliography which we hope will be of use to future students of Ibn Ḥazm. Most of the articles included are published here for the first time. The three contributions by José Miguel Puerta Vilchez appeared earlier in *Biblioteca de al-Andalus* and *Historia del pensamiento estético árabe. Al-Andalus y la estética árabe clásica* and were translated by Jeremy Rogers. Adam Sabra's article was published in *Al-Qanṭara* XXVIII (2007); Maribel Fierro's article was originally published in French in *Minorités religieuses dans l'Espagne musulmane*, which is volume 63–64 of the *Revue du Monde Musulman et de la Méditerranée* and was translated by Ed McAllister; Samir Kaddouri's contribution first appeared in Arabic in volume 13 (1424/2003) of the journal *Al-Aḥmadiyya* which is published in Dubai, and was translated by Stuart Sears. The editors thank the journals and publishers for permission to reproduce these articles.

Furthermore, we wish to thank the following organizations and persons for their various contributions to the realization of this book: the German Orient-Institut in Istanbul for hosting an international workshop in 2008 during which some of the contributions included here were first presented, and the Gerda-Henkel Stiftung for funding this workshop and financially supporting this publication; the Netherlands Institute for Advanced Study in the Humanities and Social Sciences, which hosted Camilla Adang and Sabine Schmidtke as fellows-in-residence; the European Research Council for funding the projects "Rediscovering theological rationalism in the medieval world of Islam" (Sabine Schmidtke) and "Knowledge, heresy and political culture in the Islamic West (8th–15th centuries)" (Maribel Fierro) that provide the framework for the present publication; the Biblioteca Tomás Navarro Tomás at CCHS-CSIC, Madrid, as well as Leigh Chipman, Josephine Gehlhar, Veysel Kaya, Nadine Kuperty-Tsur, Mercedes Melchor, Amina Naciri, Ignacio Pérez-Alcalde, Jan Thiele, and the two anonymous peer reviewers. Our thanks also go to Kathy van Vliet-Leigh, Tessel Jonquière and Nienke Brienens-Moolenaar at Brill, who each in her own way contributed to the completion of this book.

The opinions expressed in the contributions are the authors' own, and where there is disagreement over the correct way to vocalize the title of one of Ibn Ḥazm's best known works (alternatively *Kitāb al-Fiṣal* or *al-Faṣl*), we have respected the authors' choice.

The Editors



Based on Map 1 in: Peter C. Scales, *The Fall of the Caliphate of Córdoba. Berbers and Andalusis in Conflict*, Leiden, Brill, 1994.

al-Andalus during the lifetime of Ibn Hazm.

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PART I

LIFE AND TIMES OF IBN ḤAZM

ABŪ MUḤAMMAD ‘ALĪ IBN ḤAZM:
A BIOGRAPHICAL SKETCH¹

José Miguel Puerta Vilchez

Abū Muḥammad ‘Alī b. Aḥmad b. Sa‘īd b. Ḥazm b. Ghālib b. Šālīḥ b. Khalaf b. Ma‘dān b. Sufyān b. Yazīd al-Fārisī (*mawlā* or client of Yazīd b. Abī Sufyān b. Ḥarb al-Qurashī) al-Qurṭubī (b. Cordoba 30 Ramaḍān 384/7 November 994, d. Montija [Huelva] 28 Sha‘bān 456/15 August 1064), traditionist, genealogist, religious historian, theologian, philosopher, great theoretician of Ḍāhirism and the famous author of *The Ring of the Dove*. He is known by some, such as Ibn Ḥajar al-‘Asqalānī,² as al-Labli as well as al-Qurṭubī, in allusion to the place of origin of his family, Niebla (Labla), in the modern province of Huelva.

Sources attribute an old Persian ancestry to Ibn Ḥazm, linked by clientship to the Eastern Umayyad dynasty. According to his disciple al-Ḥumaydī,³ Ibn Ḥazm was “of Persian origin,” and “his most distant ancestor to [embrace] Islam was called Yazīd, who was a client (*mawlā*) of Yazīd b. Abī Sufyān [Šakhr] b. Ḥarb b. Umayya b. ‘Abd Shams;” in other words, of the brother of Mu‘āwiya, who would become Caliph. Ibn Khallikān adds that Khalaf, the grandson of the foregoing, was the first of Ibn Ḥazm’s ancestors to come to al-Andalus.⁴ It may be that this same Khalaf was already settled in Montija (Huelva), for biographical dictionaries indicate that “his ancestors were from the estate of Montija (*Munt Līsham* or *Līshūn*) in the district of El Rincón or La Zagüía (*Iqlīm al-Zāwiya*), belonging to the district of Huelva, in the *kūra* (territory) of Niebla (Labla), in the East of al-Andalus.”⁵ His grandfather Sa‘īd settled in Cordoba, where both his son Aḥmad and his grandson, Abū Muḥammad

¹ This is a translation, by Jeremy Rogers, of the bio-bibliographical entry by J.M. Puerta Vilchez on Ibn Ḥazm in *Enciclopedia de la cultura andalusí. Biblioteca de al-Andalus* (Almería, 2004), vol. 3, pp. 392–443.

² Ibn Ḥajar al-‘Asqalānī, *Lisān*, vol. 5, p. 489.

³ Al-Ḥumaydī, *Jadhwa*, vol. 2, p. 489 # 708.

⁴ Ibn Khallikān, *Wafayāt*, vol. 3, p. 325.

⁵ Ša‘īd, *Ṭabaqāt*, pp. 181–182; cf. also García Sanjuán, *Evolución histórica*, pp. 85–86, 156.

‘Alī Ibn Ḥazm, our author, would grow up and make their fortunes at court.⁶

Ibn Ḥazm’s father was called Abū ‘Umar Aḥmad b. Sa‘īd b. Ḥazm b. Ghālib (d. Dhū l-Qa‘da 402/May–June 1012),⁷ and he was vizier to the Amirid state, specifically of al-Manṣūr and his son al-Muẓaffar.⁸ His biographers considered him a learned, cultured and honest man (*min ahl al-‘ilm wa-l-adab wa-l-khayr*). He had, moreover, a good knowledge of rhetoric (*balāgha*), and complained of those who spoke badly or unclearly: “if in doubt about a word, leave it and choose another, the language is very rich,” he said. In him the author of *The Ring of the Dove*, then, must have had an early model for his passion for language. On one occasion Ibn Ḥazm’s father, according to his son who was informed by some nobles who witnessed the event, was at a literary gathering organized by al-Manṣūr when the Amirid leader received a letter from a mother asking for mercy and for him to free her son, apparently imprisoned for some trivial offence. Al-Manṣūr, displaying his notorious bad temper, took a quill pen and ordered that he be crucified. However, he made a mistake as he wrote and, instead of writing *yuslab*, he scribbled *yutlaq*—in other words, “free him.” Al-Manṣūr passed the note to his minister, Ibn Ḥazm’s father, who, on a corner of the document, wrote to the chief of police (*ṣāhib al-shurṭa*) that he should free the prisoner (*yutlaq*). The sovereign asked him what he was writing, and Ibn Ḥazm’s father told him that he had put what he himself had ordered: that the prisoner should be freed. But al-Manṣūr, surprised, realised his error and again wrote “crucify him,” but again made the same mistake and put “release him;” his minister, our author’s father, again confirmed the release of the prisoner. After a third error, al-Manṣūr finally ordered the prisoner to be released—“much to my regret” (*‘alā raghmī*) he admitted—interpreting what had happened as divine will. This story illustrates both Ibn Ḥazm’s father’s desire for justice and his interest in the exactness of language, both attitudes which would be passed down to his son. He also recommended to his son some ideals of moderation and asceticism, and that he should accept the fickleness of fate, as in this verse of his father’s that Ibn Ḥazm used to repeat, no doubt because of the eventful life that befell him: “if you wish to be

⁶ Ṣā‘id, *Ṭabaqāt*, pp. 181–182; trans. Maíllo, pp. 135–136; García Gómez, intro. to *El collar de la paloma*, p. 30.

⁷ Ibn Bashkuwāl, *Ṣila*, vol. 1, p. 57.

⁸ Ṣā‘id, *Ṭabaqāt*, p. 182.

rich," his father used to say, "never have anything that you would not be happy without."⁹

As for the birth of the famous author of *The Ring of the Dove* and of the *Fiṣal*, we know the basic facts thanks to the account that Ibn Ḥazm himself gave to the *qāḍī* Abū l-Qāsim Ṣāʿid b. Aḥmad: "I was born in Cordoba, in the eastern part, in the suburb of *Munyat al-Mughīra*, before sunrise and after the imam's morning call to prayer (*al-ṣubḥ*), at the end of the night of Wednesday, the last day of the moon in the magnificent month of Ramaḍān, which corresponds to 7 November [sic] of the year 384/7 November 994, with Scorpio in the ascendant."¹⁰ Such a detailed account of his birth must have formed part of the natal horoscope that would have been drawn up for him as the son of such a noble family. His disciple al-Ḥumaydī,¹¹ without revealing his source, confirms the date, saying that he was born "on the night of the breaking of the fast (*laylat al-fiṭr*)" of the same year 384/994. Later, Yāqūt states that Ibn Ḥazm himself wrote in his own hand to Ṣāʿid al-Ṭulayṭulī that "he was born after the dawn prayer of the last day of Ramaḍān of the year 383/18 November 993,"¹² which must clearly be an error, although the same author adds that "[at his death] he was 72 [lunar] years old, less one month," with which he effectively confirms the date given earlier by Ibn Ḥazm himself, and repeated by the majority of sources.

Ibn Ḥazm was born and brought up, therefore, in the *almunia* (villa) of al-Mughīra, where his father Aḥmad had settled, coming from his first residence in Cordoba in Balāt Mughīth, to which Ibn Ḥazm refers in *The Ring of the Dove*. This villa was located in the outskirts of al-Zāhira, the palatine city built by al-Manṣūr, in emulation of the Madīnat al-Zahrā' of 'Abd al-Raḥmān III, and was the neighbourhood of the court's civil servants.¹³ From hints by Ibn Ḥazm himself in *The Ring* and from other sources, we know that he had a comfortable childhood surrounded by the women of the harem, from whom he learnt the Qur'ān, reading, and a good deal of poetry. However, on more than one occasion Ibn Ḥazm would consider this early youth a waste of time in terms of knowledge. Thus, when he met Abū l-Walīd al-Bājī (b. Badajoz 403/1013, d. Almería 474/1081), with whom

⁹ Al-Ḥumaydī, *Jadhwa*, pp. 199–200; al-Ḍabbī, *Bughya*, pp. 228–229 # 413; Ibn Bashkuwāl, *Ṣila*, p. 57 # 42; Ibn Khallikān, *Wafayāt*, vol. 3, pp. 328–329.

¹⁰ Ibn Bashkuwāl, *Ṣila*, # 898, 606.

¹¹ Al-Ḥumaydī, *Jadhwa*, vol. 2, p. 491.

¹² Yāqūt, *Irshād*, vol. 4, p. 1650.

¹³ García Gómez, intro. to *El collar de la paloma*, p. 32.

he would maintain a well-known lively polemic, and the latter excused himself for not being able to answer a particular question, saying: "Forgive me, for the greater part of my reading has been done by the light of the guards' torches," Ibn Ḥazm replied: "You must forgive me, for the greater part of my reading I have done by the light of gold and silver," alluding to the fact that the soft life and wealth of the court had kept him away from true knowledge.¹⁴ From his analysis of the work which made him famous in the West, *The Ring of the Dove*, García Gómez infers that Ibn Ḥazm as a child and as an adolescent must have been "impressionable, sickly, abnormally highly-strung, with a sharp intelligence and moral sense, always on guard against feminine psychology, which he had learned so early on."¹⁵ In his own treatise on love, Ibn Ḥazm also describes some of the anonymous loves he had at an early age, with a beautiful 16-year-old slave-girl, for example,¹⁶ as well as the occasional disappointment in love which marked his character for life:

I may tell you with regard to myself, that I have been endowed with two conflicting dispositions, which conspire to allow me no joy in life whatsoever; their combination in me disgusts me with living entirely. Sometimes I wish that I could escape out of myself, that I might be free of the torments I suffer on account of them. The first is loyalty, true and unwavering, that makes no distinction between presence and absence, secret thoughts and outward appearances; it springs of a friendliness, which does not permit my soul to turn away from anything to which it has grown accustomed, nor allows me to contemplate the loss of those whose companionship I have enjoyed. The second is a fierce and noble pride, which cannot stomach injustice, and makes me sensitive to the least change in the attitude of my acquaintances, so that I would rather die than submit. Each of these contrary natures seeks to have the mastery of me. Let me be unjustly treated, and I will endure with exemplary forbearance a long while, holding myself in and hanging on in a way very few other men would be able to do. But when the injury passes all bounds, when my soul blazes with anger, then I practise my conscious fortitude, whatever my heart may be feeling.¹⁷

Equally powerful is the passage in *The Ring of the Dove*¹⁸ in which he declares himself unable to fall in love other than after long acquaintance, and where he shows the influence of the past over his mind, to the extent

¹⁴ Yāqūt, *Irshād*, vol. 4, pp. 1651–1652.

¹⁵ García Gómez, intro. to *El collar de la paloma*, p. 31.

¹⁶ Ibn Ḥazm, *Tawq*, p. 249.

¹⁷ García Gómez, *El Collar de la paloma*, Chapter 26.

¹⁸ García Gómez, *El Collar de la paloma*, Chapter 6, p. 128; Ibn Ḥazm, *Tawq*, p. 125.

that he feels nostalgia for people and objects he has loved, and finds it difficult to make any change in his life. He likewise describes himself as tenacious and steadfast, of which his biography—and even more so his works—leave us in no doubt. Another of his characteristics, perhaps of less importance, is his self-confessed inability to shed tears:

Others are dry-eyed and barren of tears; to this category I myself belong. This is the result of my habit of consuming frankincense to abate the palpitation from which I have suffered since childhood. I will be afflicted by some shocking blow, and at once feel my heart to be splitting and breaking into fragments [...]. My eyes therefore respond to my feelings but rarely, and then my tears are exceedingly sparse.¹⁹

Thus he sees himself as having a susceptible heart, yet incapable of tears.

His early life was spent in the villa of al-Mughīra, when his father was a minister to ‘Abd al-Malik al-Muẓaffar, who succeeded al-Manṣūr upon his death in 392/1002, when Ibn Ḥazm was eight years old. It was nevertheless a period of personal and family tranquillity. At the request of one of the daughters or wives of al-Muẓaffar, known as Ḍanā al-‘Āmiriyya,²⁰ Ibn Ḥazm also composed some verses on forgetfulness, which she set to a delightful melody.²¹ But this spell of family stability was soon brought to a drastic end. The premature death of al-Muẓaffar on 16 Ṣafar 399/20 October 1008, to be succeeded for a few months by his incompetent brother Sanchuelo, together with the dethronement of the Caliph Hishām II al-Mu‘ayyad afterwards, and the subsequent accession of Muḥammad al-Mahdī in 399/1009, destroyed the position at court of the father of our author, Aḥmad: he was dismissed from his post and forced to leave Madīnat al-Zāhira, returning to Balāṭ Mughīth. Despite this great setback, Ibn Ḥazm’s father retained part of his influence, as shown by the fact that he was invited on 27 Sha‘bān 399/26 April 1009 to the official burial of a bogus Hishām II. After the assassination of al-Mahdī (8 Dhū l-Ḥijja/23 July 1010), Hishām II was returned to the throne, but Ibn Ḥazm’s family, instead of regaining their position as was to be expected, were persecuted by the Slav general Wāḍiḥ, the new favourite and strongman of the caliph, who imprisoned Ibn Ḥazm’s father and confiscated his possessions.

¹⁹ García Gómez, *El Collar de la paloma*, Chapter 2, p. 116; Ibn Ḥazm, *Ṭawq*, pp. 111–112.

²⁰ See Marín, *Mujeres*, pp. 37–38, on the use of the term *karīma*.

²¹ García Gómez, *El Collar de la paloma*, Chapter 27, p. 256; Ibn Ḥazm, *Ṭawq*, p. 255.

At this point, according to García Gómez,²² whom we are following in our account of these events, Ibn Ḥazm's family, having had all their links with the Amirids severed, became "fervent legitimists," and became involved in an unsuccessful anti-Slav conspiracy. In the course of these events, moreover, the brother of our author, Abū Bakr, died in an outbreak of plague in the year 401/1010–1. Shortly afterwards, and possibly as a result of the failed anti-Slav plot, Ibn Ḥazm's father Aḥmad died in Dhū l-Qa'da 402/May–June 1012, when his son was about to reach eighteen years of age. The following year, in any case, made things even worse, as the sack of Cordoba by the Berbers led by the Umayyad chieftain Sulaymān al-Musta'in, who again proclaimed himself Caliph, subjecting the city to fire, destruction and slaughter for two months, left the Banū Ḥazm's family house in Balāṭ Mughīth in ruins, as Ibn Ḥazm recounts in *The Ring of the Dove*.²³ Under these circumstances, Ibn Ḥazm found himself obliged to leave Cordoba on New Year's Day of the year 404 (1 Muḥarram 404/13 July 1013), at only eighteen and an orphan, and in the company of his friend Abū Bakr Muḥammad b. Ishāq, he settled in the city of Almeria.²⁴ The friend referred to, who is mentioned in several passages in *The Ring*, and who must have been an important support for Ibn Ḥazm in such difficult times, was Abū Bakr Muḥammad b. Aḥmad b. Ishāq b. Muḥallab,²⁵ who was in addition the person to whom the prolific Cordoban writer addressed his *Risāla fī Faḍl al-Andalus*.²⁶ This great friend was soon to disappear from Ibn Ḥazm's life, however, since, as Ibn Ḥazm relates in *The Ring*, he bade him farewell one day seated "on the beach at Malaga" and in the company of a third companion: Abū 'Āmir Muḥammad b. 'Abd al-Malik b. Abī 'Āmir who, according to Lévi-Provençal, was a grandson of al-Manṣūr.²⁷ In the same year as the sack of Cordoba, Ibn Ḥazm may also have travelled to Malaga, since in the *Fiṣal* he writes that "In the year 404/1013–4" he met "the most learned and best polemicist [of the Jews] Ishmāwāl b. Yūsuf al-Lāwī, the writer known as Ibn al-Nafrāla,"²⁸ in other words Ismā'il Ibn al-Naghrla, who was indeed in Malaga at that time.

²² García Gómez, intro. to *El Collar de la paloma*, p. 36f.

²³ García Gómez, *El Collar de la paloma*, p. 227f.; Ibn Ḥazm, *Ṭawq*, p. 227.

²⁴ García Gómez, *El Collar de la paloma*, Chapter 28, p. 261, and intro. to *El collar de la paloma*, p. 37; Ibn Ḥazm, *Ṭawq*, p. 261.

²⁵ Al-Ḍabbī, *Bughya*, vol. 3, # 59; Ibn al-Abbār, *Takmila*, vol. 1, # 1111.

²⁶ See Ibn Ḥazm, *Rasā'il*, vol. 2, p. 171; García Gómez, *El collar de la paloma*, p. 316 n. 5.

²⁷ García Gómez, *El Collar de la paloma*, Chapter 2, pp. 116–117; Ibn Ḥazm, *Ṭawq*, pp. 112–113.

²⁸ Ibn Ḥazm, *Fiṣal*, vol. 1, p. 152.

In the course of that meeting Ibn Ḥazm argued with this Jewish intellectual and future politician about religious and scriptural matters, which proves, besides, the early interest the author of the *Fīṣal* had in religious controversy.²⁹ It was no mere chance that a friend of Ibn Ḥazm from Kairouan, Abū ‘Abd Allāh Muḥammad b. Kulayb, referring to his youthful period in the area of Almeria, described him as a “polemicist” (*raḡul jadālī*),³⁰ due to the perseverance and dialectical passion he put into his debates.

After escaping from Cordoba, the two friends, Ibn Ḥazm and Ibn Ishāq, took shelter at first, as we have seen, in Almeria; but after the former Amirid general Khayrān left the authority of Hishām II and went over to the side of the Idrisid ‘Alī b. Ḥammūd, who took Cordoba on 22 Muḥarram 407/1 July 1016, he accused the two young men of plotting in favour of the Umayyads of Cordoba and, although Ibn Ḥazm denied it and considered it as revenge, they were arrested and exiled in the same year of 407/1016.³¹ Both friends took refuge in Ḥiṣn al-Qaṣr (Aznalcázar or Fortín del Palacio, which in the opinion of García Gómez is not the village of that name near Sanlúcar, but another place in the region of Malaga or Murcia, while for Iḥsān ‘Abbās it is south-east of Seville), which was governed by ‘Abd Allāh b. Hudhayl al-Tujībī, known as Ibn al-Muqaffal, who gave them magnificent treatment and hospitality “for some months.” Learning that a great-grandson of ‘Abd al-Raḥmān III was seeking to restore the unity of the Umayyad caliphate, Ibn Ḥazm and Muḥammad b. Ishāq set sail for Valencia, with the intention of joining the followers of ‘Abd al-Raḥmān b. Muḥammad b. ‘Abd al-Malik, the new Umayyad pretender. The latter, with the support of the fickle Khayrān of Almeria and of Mundhir of Zaragoza (himself supported by the Count of Barcelona), rose up in Valencia and assembled an army in Jativa, which swore allegiance to him on 10 Dhū l-Ḥijja 408/28 April 1018. He took the title of al-Murtaḏā, and set off for Cordoba where, in March of that same year, ‘Alī b. Ḥammūd had been assassinated. Deceived by Khayrān, al-Murtaḏā first turned against the Zīrids of Granada. Ibn Ḥazm reached Granada with the followers of al-Murtaḏā, but as a result of the crushing defeat that they inflicted on him, our author was imprisoned by the Berbers.³² Al-Murtaḏā took refuge in Guadix, where he was killed by Khayrān’s hired assassins. In

²⁹ Cf. ‘Abbās’ intro. to Ibn Ḥazm, *Rasā’il*, vol. 3, pp. 17–18.

³⁰ García Gómez, *El Collar de la paloma*, Chapter 14, p. 160; Ibn Ḥazm, *Ṭawq*, p. 159.

³¹ García Gómez, *El Collar de la paloma*, Chapter 28, pp. 261–262, and intro. to *El collar de la paloma*, p. 37; Ibn Ḥazm, *Ṭawq*, p. 261f.

³² Ibn al-Khaṭīb, *Iḥāṭa*, vol. 4, p. 115.

*The Ring of the Dove*³³ Ibn Ḥazm tells us that in Shawwāl 409/February–March 1019, that is, during the caliphate of al-Qāsim b. Ḥammūd al-Ma'mūn, he entered Cordoba secretly in order to do some political business, lodging “in the house of one of our womenfolk,” a former slave who was now very changed and aloof. After his release from Berber captivity, and perhaps as a result of this stay in Cordoba, Ibn Ḥazm once again went to Jativa where, in 412–3/1022, aged 28 (according to García Gómez), or in 417–8/1026–7, aged about 32 (according to Iḥsān ‘Abbās), he composed the literary text which made him famous beyond the frontiers of Islam: *The Ring of the Dove*. We know, in fact, that in the year 417/1026 Ibn Ḥazm was again in Jativa. In this interval—that is, between the exile in Almeria that he and his friend Ibn Ishāq b. Muḥallab had suffered in 407/1016, followed by the attempted restoration of the Umayyads in 408–9/1018–9 in which they both took part, on the one hand, and the date of composition of *The Ring of the Dove* (between the years 412/1022 and 418/1027) on the other—Ibn Ḥazm must have returned to Malaga, even if it was only to bid a final farewell to his great friend Muḥammad Ibn Ishāq, when his “insensitive” eyes would not allow him to weep at such a poignant separation.

On 16 Ramaḍān 414/2 December 1023, the election in the Great Mosque by the people of Cordoba of a new, young and cultured Caliph, ‘Abd al-Raḥmān al-Mustaẓhir, meant a change in Ibn Ḥazm’s fortunes. Al-Mustaẓhir summoned our writer’s group of friends, whom García Gómez has designated “the new aesthetes:” Ibn Ḥazm himself, who was back in Cordoba again, Ibn Shuhayd (d. 426/1035) and Abū l-Mughīra (d. 438/1046), Ibn Ḥazm’s cousin, and appointed them as viziers. So we see Ibn Ḥazm regaining the political rank his father had held. As for the “aesthetes:” with Abū ‘Amir Ibn Shuhayd, the renowned author of the *Risālat al-ṭawābi‘ wa-l-zawābi‘*, Ibn Ḥazm shared poetic tastes and personal, as well as political, interests and responsibilities. When Ibn Shuhayd was suffering from hemiplegia towards the end of his life, Ibn Ḥazm took an interest in his health and in the care of his family; the two comrades exchanged heartfelt verses on this subject.³⁴ Ibn Ḥazm also dedicated the treatise included in the *Fīṣal* on the inimitability of the eloquence of the Holy Book to Ibn Shuhayd.³⁵ With his cousin Abū l-Mughīra, Ibn Ḥazm also maintained a long correspondence and poetic and personal relations.³⁶

³³ García Gómez, *El Collar de la paloma*, Chapter 28, p. 253; Ibn Ḥazm, *Ṭawq*, p. 252.

³⁴ Ibn Bassām, *Dhakhīra*, vol. 1, p. 205.

³⁵ Ibn Ḥazm, *Fīṣal*, vol. 1, p. 107; cf. also ‘Abbās, *Tārīkh al-adab al-andalusī*, pp. 287ff.

³⁶ García Gómez, *El Collar de la paloma*, Chapter 24, pp. 224–227.

The Cordoban historian Ibn Ḥayyān (b. 377/987–8, d. 469/1076), a contemporary of all these individuals, when weighing up Abū l-Mughīra's talents for prose and poetry, adds that after writing various works he became unpredictable and started a bitter argument with his cousin, the *faqīh* Ibn Ḥazm, but unfortunately fails to mention the reason. These young intellectual cousins exchanged insults: Abū l-Mughīra went so far as to silence Ibn Ḥazm himself, because he was sharper and shrewder when speaking in public—according to Ibn Ḥayyān—as well as more physically attractive (*ḥusn hay'a*) than his cousin. According to Ibn Ḥayyān, Abū l-Mughīra “was the one who in his day predominated in serious matters (*jidd*) and in joking (*hazal*) in the princes' gatherings” (*fī majālis al-umarā*), gaining “the hearts of the governors,” unlike our *faqīh*.³⁷ Although for a good part of his life Ibn Ḥazm shared aesthetic literary interests with both his fellow-viziers we should hasten to point out that Ibn Ḥazm would soon become very different from them, due to his profound vocation as a traditionalist and theologian, which would finally—and in no uncertain terms—supplant his condition of brilliant courtly man of letters. This first term of Ibn Ḥazm as vizier, and that which he later obtained with Hishām III al-Mu'tadd, is, of course, mentioned by his biographers,³⁸ although the brevity of the caliphate of al-Mustaẓhir, which lasted only a month and a half, to be exact until 3 Dhū l-Qa'da 414/17 January 1024, when the caliph was executed, gave Ibn Ḥazm no time for anything but ending up back in prison.

So, at thirty years of age and once again at liberty, Ibn Ḥazm showed signs of understanding that the possibilities of restoring the Umayyad caliphate had gone for ever; he therefore decided to dedicate himself to studying and writing—activities in which he found another way, perhaps more profound, of fighting for his convictions and of returning order to a world which he always felt to be heading into chaos. As García Gómez said, from this moment on we begin to know much less about Ibn Ḥazm as a person, “for the story of his life has already become the story of his books.”³⁹

All information indicates that, from the age of about thirty, Ibn Ḥazm concentrated passionately on his intellectual task. We know that Ibn Ḥazm undertook this type of study from when he was at least fifteen years

³⁷ Quoted by Ibn Bassām, *al-Dhakhīra*, vol. 1, p. 133.

³⁸ Šā'id, *Ṭabaqāt*, p. 182.

³⁹ García Gómez, intro. to *El Collar de la paloma*, p. 41.

old, but the following episode, and the failures he suffered in his public life, must have pushed him finally into the fulfilment of his immense juridico-theological work. The sources repeat an anecdote told by Ibn Ḥazm himself, representative of the change of course which his life would take. According to Abū Muḥammad Ibn al-ʿArabī,⁴⁰ Ibn Ḥazm studied law (*fiqh*) because one day he witnessed the burial of an old man, who had been a friend (*min ikhwān*) of his father. He went into the mosque where the funeral was being held before the afternoon prayers and sat down without prostrating himself, so his teacher (it is clear that he was then studying some *fiqh*) signalled to him to stand up and pray as was proper in the mosque. Ibn Ḥazm did not understand, so some believers near him reprimanded him, saying “How could you not know how to pray in the mosque at your age!” According to his own testimony, Ibn Ḥazm was “twenty-six years old,” so this must have happened in approximately the year 410/1019–20. In another version of the event related by his disciple al-Ḥumaydī, Ibn Ḥazm expressed his regrets as follows: “I had reached this age and I did not know how to say even one prayer properly.” The conclusion of the story is most eloquent:

When we went from the funeral to the mosque to take part in the ceremony with the relatives of the dead man, I went into the mosque and began to genuflect, but they told me “Sit down! Sit down! This is the moment of prayer.” So I left the place where the dead man was, ashamed, with an overwhelming feeling of humiliation, and I said to the teacher “Show me the house of the master *faqīh* and adviser Abū ‘Abd Allāh b. Daḥḥūn.” He showed me, I made my way there, I told him what had happened and asked to start studying [religious] science (*‘ilm*). I asked him to guide me properly, and he showed me *al-Muwatta’* by Mālik b. Anas—may God be pleased with him. So I began by reading that from the following day, and I continued reading that and other books, for some three years. Then, I began to debate (*bada’tu al-munāẓara*).⁴¹

And so he decided to study Mālikism with an acknowledged expert such as Ibn Daḥḥūn in order, after three years, to feel confident and to begin to put forward his own views and to argue with the other schools. After his early studies of Mālikism, a school with whose fundamentals he was well acquainted—first with commentaries on various works and later by criticising them—Ibn Ḥazm took an interest in Shāfi‘ism, until finally he followed Zāhirism, to which he devoted the rest of his life, and of which he

⁴⁰ Yāqūt, *Irshād*, vol. 4, p. 1652.

⁴¹ Yāqūt, *Irshād*, vol. 4, p. 1652f.

was able to develop a rich personal concept. Between the years 418/1027 and 420/1029 we find him teaching the Ṣāḥirī method with his master Abū l-Khiyār of Santarem, in the Great Mosque of Cordoba. The Mālikīs and common people, however, denounced the two Ṣāḥirīs and the senior magistrate of the city, after receiving the approval of the last Umayyad caliph, Hishām III al-Muʿtadd, banned them from teaching.⁴² It should be recalled that some Andalusī sources state that Ibn Ḥazm enjoyed a second vizierate under al-Muʿtadd (420–422/1029–31):⁴³ it may be, therefore, that after this religious persecution, the caliph, with whom died any possible hope for a revival of Umayyad splendour, may have appointed him exceptionally to a new and equally brief vizierate. Ṣāʿid considers, moreover, that it was just after this second and final vizierate that the great Cordoban polymath “abandoned this path [i.e., that of government], immersing himself in the study of science (*qirāʾat al-ʿulūm*) and in the recording of canonical traditions (*taqyīd al-āthār wa-l-sunan*), and taking an interest in logic (*ʿilm al-manṭiq*),” although the Andalusī historian, as Ibn Ḥayyān had already done, accused him of not understanding Aristotle and of falling into gross error on this subject.⁴⁴ But this takes us to the anti-Ṣāḥirī movement that would so harshly criticize our Cordoban thinker.

To this period no doubt belongs the long *qaṣīda* that Ibn Ḥazm wrote to the chief judge (*qāḍī al-jamāʿa*) of Cordoba, Abū l-Muṭarrif ʿAbd al-Raḥmān b. Aḥmad b. Saʿīd b. Bishr b. Gharsīya, known as Ibn al-Ḥaṣṣār (d. 422/1030–1), who acceded to the judgeship in the year 407/1016–7 and remained there until 419/1028 when he was deposed by the caliph al-Muʿtadd.⁴⁵ In the surviving fragment of this poem, Ibn Ḥazm already feels despised and persecuted in his own country, and upholds himself as the light of wisdom of the West:

I am the sun which shines in the heavens of science,
 Although my only fault was to be born in the West;
 For if the light of my science appeared in the East,
 Surely all would then boast as if it were their own
 Of the prestige which none accords me here.
 My loving soul reaches out to Iraq,
 For it is no wonder that the passionate lover
 Desires with dejected longing to join his beloved!

⁴² García Gómez, intro. to *El collar de la paloma*, p. 41.

⁴³ Ṣāʿid, *Ṭabaqāt*, p. 182.

⁴⁴ Ṣāʿid, *Ṭabaqāt*, p. 182.

⁴⁵ Al-Ḥumaydī, *Jadhwa*, p. 251; Ibn Bashkuwāl, *Ṣila*, p. 313.

If in God's merciful commands it were written
 That I should be exiled forever to the land of Iraq,
 Then my countrymen would begin to mourn and weep for me.
 How many think I am contemptible, while they have me near,
 Yet if they were to lose me would gladly seek my doctrine in the books of
 Orient! (...)
 Truth to tell, a country which will not even let me live
 is too small for me, far though its horizons
 of wastelands and gardens may extend! (...).⁴⁶

The *qaṣīda*, reproduced by various sources,⁴⁷ comes from the same pen as the *Risāla Fī faḍl al-Andalus*, which is indicative of divided feelings on the part of its author: those of the man who takes pride in the wisdom and letters of his country, and those of the one who sees himself silenced and alone.

Unlike the case of other great Andalusī *faqīhs*, traditionists and scholars, we do not have a great deal of information about the intellectual formation of the author of works such as *The Ring of the Dove*, in terms of its literary aspects, nor of the *Muḥallā* or the *Fīṣal* as far as his great theologico-juridical work is concerned. The fact that the *fahrasa* that Ibn Ḥazm wrote about his own teachers has not survived reduces our knowledge of them to a few names mentioned by different sources. According to his disciple al-Ḥumaydī,⁴⁸ his first teacher was Abū 'Umar Ibn al-Jasūr, with whom Ibn Ḥazm studied before the year 400/1009–10, or when he was 15 or 16 years old. Ibn Ḥajar al-'Asqalānī⁴⁹ enlarges somewhat on the lists normally given in Andalusī accounts,⁵⁰ mentioning among his teachers, as well as Ibn al-Jasūr, Yaḥyā [b. 'Abd al-Raḥmān] b. Mas'ūd, known as Ibn Wajh al-Janna (or al-Ḥayya), Yūnus b. 'Abd Allāh b. Mughīth, [Abū Bakr] Ḥumām b. Aḥmad, Muḥammad b. Sa'īd b. Bunān, 'Abd Allāh b. al-Rabī', 'Abd Allāh b. Yūsuf b. Nāmī, Abū 'Umar al-Ṭalamankī, 'Abd al-Raḥmān b. 'Abd Allāh b. Khālīd, and "others" he does not specify. Among those not mentioned are Abū l-Walīd b. al-Faraḍī (b. Cordoba 351/962, d. Cordoba 403/1013), *faqīh*, traditionist and renowned author of *Tārīkh 'ulamā' al-Andalus*, who must have taught Ibn Ḥazm while he was still very young; the Cordoban man of letters, physician and philosopher Ibn al-Kattānī

⁴⁶ Based on Asín Palacios' translation, *Abenházam*, vol. 1, pp. 237–238.

⁴⁷ Al-Ḥumaydī, *Jadhwa*, vol. 2, p. 492; Ibn Bassām, *Dhākhira*, vol. 1, p. 173; al-Maqqarī, *Nafḥ*, vol. 2, p. 81; Yāqūt, *Irshād*, vol. 4, p. 1658.

⁴⁸ Al-Ḥumaydī, *Jadhwa*, vol. 2, p. 490; and repeated by Ibn Bashkuwāl, *Ṣila*, p. 650.

⁴⁹ Ibn Ḥajar al-'Asqalānī, *Lisān*, vol. 5, p. 389.

⁵⁰ Ibn Bashkuwāl, *Ṣila*, p. 650, and *passim*.

(b. Cordoba c. 340/951, d. Zaragoza? c. 420/1029),⁵¹ and one of the most important *‘ulamā’* of his time, Abū ‘Umar b. ‘Abd al-Barr al-Namārī (b. Cordoba 368/978, d. Játiva 463/1071) who, like Ibn Ḥazm, had a particular interest in matters of *ḥadīth* and who, like our author, although by a different process and in the opposite direction, passed though Shāfi‘ism and Zāhirism to end up in Mālikism, although he did retain certain Shāfi‘ī principles.⁵² We may also add to this list Abū l-Qāsim al-Wahrānī, known as Ibn al-Kharrāz (b. Pechina? 338/949, d. Almeria 411/1020) and the previously mentioned Ibn al-Khiyār of Santarem and Ibn Daḥḥūn. Some important later *faqīhs*, such as al-Shāṭibī,⁵³ would blame Ibn Ḥazm’s supposed lack of scientific background (in other words, not having had suitable teachers) for his intemperance of expression and the contempt in which he held his rivals.

Nor do we know of many direct disciples of Ibn Ḥazm. His powerful personality and the proverbial originality of his work, as well as his Zāhirism, put him on a somewhat isolated peak. The most outstanding of his followers, and the one about whom we have most information, is the above-mentioned Abū ‘Abd Allāh al-Ḥumaydī (b. al-Bulayda [Majorca] before 420/1029, d. Baghdad 488/1095), *faqīh*, poet and well-known author of the biographical account *Jadhwaṭ al-muqtabis*, in which he gives the biography of his own teacher Ibn Ḥazm, and in which he reports that he collected all his poetic works, which unfortunately has not survived. Yāqūt said of al-Ḥumaydī that he followed Ibn Ḥazm’s doctrine “although he did not show it.”⁵⁴ The vizier Abū Muḥammad Ibn al-‘Arabī also studied with Ibn Ḥazm: “I accompanied the master (*shaykh*), imam Abū Muḥammad ‘Alī Ibn Ḥazm, for seven years,” he says, “and from him I heard all his works (*jamī‘ muṣannafātihi*) except the last volume of his *Kitāb al-Fiṣal* which consists of six volumes (*sitt mujalladāt*), according to the original we read, and of which there remained about a sixth. I read part of his *Kitāb al-Īṣāl*; this book was actually in the house of the imam Abū Muḥammad Ibn Ḥazm, in twenty-four volumes, written by his own hand and in extremely cramped writing (*fī ghāyat al-idmāj*).”⁵⁵ Abū Muḥammad Ibn al-‘Arabī himself adds that Ibn Ḥazm certainly composed more works during the

⁵¹ Al-Ḥumaydī, *Jadhwa*, p. 89; Ibn Ḥazm, *Risāla fī Faḍl al-Andalus*, quoted by al-Maqqarī, *Nafh*, vol. 3, p. 175.

⁵² Al-Ḥumaydī, *Jadhwa*, # 874.

⁵³ *Muwāfaqāt*, intro. 13; quoted by García Gómez, intro. to *El collar de la paloma*, p. 45.

⁵⁴ Yāqūt, *Irshād*, vol. 6, p. 2599.

⁵⁵ Yāqūt, *Irshād*, vol. 4, p. 1653.

period that he spent “travelling round the Levant of al-Andalus,” works which he had not been able to hear. He does note, however, that he frequently received the licence to teach (*ijāza*) all the works and teachings he had heard from Ibn Ḥazm (*bi-jamī‘ muṣannafātihi wa-masmū‘ātihi*).⁵⁶ We also know that Ibn Ḥazm likewise gave a license to teach (*ijāza*) to his pupils Abū l-Ḥasan Shurayḥ b. Muḥammad al-Ru‘aynī and Ḥusayn/Yaḥyā b. ‘Abd al-Raḥmān b. Mas‘ūd.⁵⁷ Another direct disciple of his was indeed his own son Abū Rāfi‘ (d. 479/1086), who said that he had collected his father’s written work, and who was the author of a genealogical work on some of the ‘Abbādid governors, perhaps following in his father’s tradition as a genealogist.

On the second part of Ibn Ḥazm’s life, as well as his final years, we have little information. Ibn Ḥayyān reports, in a passage preserved by Ibn Bassām,⁵⁸ that Ibn Ḥazm, al-Bājī and other men of letters from Almeria were imprisoned on 29 Shawwāl 429/4 August 1038 when Bādīs b. Ḥābūs of Granada overthrew Zuhayr of Almeria: the latter was supported by Ibn Ḥazm and his new companions, among whom was the famous *faqīh* Abū l-Walīd al-Bājī. It was the second time our Cordoban thinker had been imprisoned by the Berbers and, at the same time, it shows that he had not lost his links with Almeria and that at that period he was settled there. He was then 34 years old. We may recall that in the criticism that Ibn Ḥazm directed against the petty *tā’ifa* kings of al-Andalus, it is precisely Bādīs b. Ḥābūs who comes out worst.⁵⁹ There may, moreover, be some connection between this Bādīs b. Ḥābūs and one of the most hard-hitting and well-known epistles of Ibn Ḥazm, his *Risāla fī l-Radd ‘alā Ibn al-Naghārila al-yahūdī*, apparently directed against Ismā‘īl Ibn al-Naghārila or his son Yūsuf, both viziers of the Zirid king of Granada, and one of them, to boot, allegedly the author of a work about “the contradictions of the Qur’ān.” We have already seen that Ibn Ḥazm said that he had met Ismā‘īl Ibn al-Naghārila in person when he was young, and it is not out of the question that he may have met the latter’s son, Yūsuf. In the years following this spell in prison, it is likely that Ibn Ḥazm returned to his refuge in Almeria. At least, we know the title of an epistle addressed to the founder of the Banū Ṣumādīḥ dynasty, who governed Almeria from the year 433/1041–2

⁵⁶ Yāqūt, *Irshād*, vol. 4, p. 1653.

⁵⁷ Ibn al-Abbār, *Takmila*; quoted by ‘Abbās in his intro. to Ibn Ḥazm, *Rasā’il*, vol. 1, p. 15, but without page references; it is also included by al-Dhahabī, *Tadhkira*, vol. 3, p. 232.

⁵⁸ Ibn Bassām, *Dhakhira*, vol. iii, p. 660.

⁵⁹ Asín Palacios, “Códice,” pp. 27–46.

until 446/1054–5 and was the father of the famous king of this *tāʾifa*, Muʿtaṣim. Such little information as we have about the life of Ibn Ḥazm during these decades always shows him involved in religious controversy, together with certain political overtones, going in and out of prison and searching for a safe hiding-place. García Gómez⁶⁰ describes the Ibn Ḥazm of this lengthy period as an “intellectual vagabond,” who travelled through various *tāʾifa* kingdoms embroiling himself in religious arguments, such as the ones he is known to have had in Cordoba, Almeria, Talavera and, above all, in Majorca, where he took refuge after 430/1038,⁶¹ that is, when he was about 45 years old. From the surviving manuscript of Ibn Sahl against Ibn Ḥazm, to which we shall return later, we know that “Ibn Ḥazm had differences of opinion with the *faqīhs* of Almeria concerning the *qibla* and its orientation and, on certain occasions, said his prayers together with the *qāḍī* of Almeria, Ibn Sahar”—that is, Mukhtār Ibn Sahar al-Ruʾaynī al-Qurṭubī (d. 435/1043).⁶² The *faqīhs* complained before the *qāḍī* and protector of Ibn Ḥazm; he passed the complaint on to the author of the *Fiṣal*, who left Almeria and moved to Denia. It was at this moment and in this place, by Ibn Sahl’s account, that Ibn Ḥazm left the Shāfiʿī school and turned to Ḍāhirism. The same author, Ibn Sahl, states that Ibn Ḥazm

devoted himself intensively to writing and composing works, and struck up relationships with the secretary Abū l-ʿAbbās Ibn Rashīq at the end of the reign of al-Muwaffaq Mujāhid al-ʿAmirī.⁶³ Abū l-ʿAbbās moved him to Majorca, holding him in great esteem and taking him under his protection, but setting the condition that he should issue his *fatwās* according to the Mālikī doctrine, and not the Ḍāhirī. This occurred between the years 431/1039 and 440/1049. He was accused of many errors [...]. The inhabitants of Majorca could stand it no longer. His protector also realised his ignorance and how mistaken his ideas were. He (Ibn Ḥazm) left the island, bound for Denia, then to Seville and finally to a village in the region of Niebla, where he died in 456/1064, in the reign of al-Muʿtaḍid...⁶⁴

In Majorca, moreover, the Mālikī *faqīhs* sent him to Abū l-Walid al-Bājī, who had just returned from the East with new theological and juridical knowledge, and took a dim view of the spread of Ḍāhirism in al-Andalus. Ibn Ḥazm argued with al-Bājī over the principles of the literalist Ḍāhirī *fiqh*, against that of the Mālikīs, which takes into account the purpose

⁶⁰ Asín Palacios, “Códice,” p. 46.

⁶¹ Ibn al-Abbār, *Takmila*, vol. 2, p. 301; vol. 4, pp. 154–155.

⁶² Kaddouri, “Identificación,” p. 312.

⁶³ See biography in al-Ḥumaydi, *Jadhwa*, vol. 1, pp. 195–196.

⁶⁴ Kaddouri, “Identificación,” p. 313.

of the action; and over theological questions, such as the idea that the Qur'ān is the divine word of God, etc.⁶⁵ For Ibn Ḥazm, "al-Bāḥī is one of the foremost representatives of Ash'arism in his days"⁶⁶ who, moreover, once assaulted him "in a crowded assembly" (*fī majlis ḥāfil*), possibly referring to the argument held in Majorca, where he defended Ash'arite teachings: for instance, that men possess states or ways of being and ideas which are neither real nor unreal, eternal nor temporary, true nor false, or that truth (*ḥaqq*) is different from reality (*ḥaqīqa*), so that unbelief is reality, but not truth. To this Ibn Ḥazm replied, basing his argument on the obvious meaning of the words that this is not so: "its existence [unbelief] proceeds from a reality, but its meaning is false, and it is neither truth nor reality."⁶⁷ However, in the debate he conceded victory to al-Bāḥī; and Ibn Ḥazm, having lost the support of the local governor, Abū l-'Abbās Ibn Rashīq, who had been his friend and protector, was expelled from Majorca. At that time he would have been about 55. While on the island he may also have written, among other works, his *al-Itāh 'alā Abī Marwān al-Khawlanī*, apparently directed against the traditionist Abū Marwān 'Abd al-Malik b. Sulaymān al-Khawlanī (b. Majorca shortly before 440/1048), who quite possibly belonged to the family of 'Iṣām al-Khawlanī, who had brought the Balearic islands into the Umayyad state, initiating the arabization and islamization of the island territories.

Accordingly, Ibn Ḥazm had to leave Majorca in the year 440/1048–9, going to Denia and then to Seville. But we know that, before going to Seville, he was in Almeria between the years 441/1049 and 445/1053, when he made an enemy of the *qāḍī* Ibn al-Rashīq of that city, who sent a message to Ibn al-'Attāb condemning Ibn Ḥazm;⁶⁸ he therefore reached the 'Abbādid capital some time after the beginning of the latter year, when he was approaching the age of fifty-nine.

Still convinced of the consistency of his thought and his political models, where Umayyad legitimacy was an absolutely logical, and even necessary, condition for the maintenance of his great theological and philosophical structure, Ibn Ḥazm nevertheless never followed the 'Abbādid party in Seville, despite the fact that they were the champions of the Arab cause and already masters of Cordoba, where the possessions of the Banū Ḥazm

⁶⁵ Kaddouri, "Identificación," p. 313; Asín Palacios, *Abenházam*, vol. 1, pp. 200–210; Turki, *Polémiques*.

⁶⁶ Ibn Ḥazm, *Fīṣal*, vol. 1, p. 88.

⁶⁷ Ibn Ḥazm, *Fīṣal*, vol. 4, p. 208.

⁶⁸ Kaddouri, "Identificación," pp. 304–305.

were located. So Ibn Ḥazm always appears on the losing side, so much so that, at an uncertain date, although it would have to be after the year 445/1053 and shortly before the author's death, al-Mu'taḍid, the cruel king of Seville (r. 433/1042–461/1069), ordered the public burning of his books.⁶⁹ Against this book-burning, Ibn Ḥazm wrote his famous lines:

Though you may burn the paper, you cannot burn what the paper bears;
which is kept safe within my spirit in spite of you
and goes with me wheresoever my feet lead me.
Wherever I rest, there too rests my science,
And it shall be buried with me in my tomb the day I die.⁷⁰

The ill-feeling towards Ibn Ḥazm came, in any case, quite early, and lasted for a considerable time. The Cordoban historian and contemporary of Ibn Ḥazm, Ibn Ḥayyān, makes no secret of his grudge towards him, and not only expresses the feeling against our author prevalent in al-Andalus at the time but also wrote an extensive list of accusations, in which he brings together what we may class as the real reaction of the dominant Mālikī school against his doctrine and against him personally. Ibn Ḥayyān reproaches Ibn Ḥazm for arguing with anyone who disagreed with him, and for doing so, moreover, in a direct, excessively clear and acrimonious manner, without observing the conventions, so that “hearts withdrew from him;”⁷¹ he even directed his criticism, according to Ibn Ḥayyān, against the *faqīhs* of his day, and they had no choice but to hate him, counterattack, and censure him unanimously (*ajma'ū 'alā*), invariably speaking ill of him, and even warning their rulers (*salāṭīnahum*) about his seditious character (*min fitnatihī*); the *faqīhs* kept the people away from him, and prevented their learning from him; the kings (*mulūk*) always kept him far away from their lands, until Ibn Ḥazm “found himself shut away on the native soil (*turba*) from which he had first come, in the plain of Labla [Niebla], where he died in the year 456/1064.”⁷² Ibn Ḥayyān does not stop there. He reproaches Ibn Ḥazm for not giving in to all these efforts made by kings and *faqīhs*, and for continuing to “spread his science” (*yabuththu 'ilmahu*) among his bold young students, never tiring of teaching and writing (*ta'lif*), finally composing “as many works (*muṣannafāt*) of all

⁶⁹ Ibn Ḥayyān, reported by Ibn Bassām, *Dhakhīra*, vol. 1, p. 169; García Gómez, intro. to *El collar de la paloma*, p. 47.

⁷⁰ Based on trans. Asín Palacios, *Abenházam*, vol. 1, p. 235; Ibn Bassām, *Dhakhīra*, vol. 1, p. 171; al-Maqqarī, *Nafḥ*, pp. 11, 82.

⁷¹ Quoted by Ibn Bassām, *Dhakhīra*, vol. 1, p. 168f.

⁷² Ibn Bassām, *Dhakhīra*, vol. 1, p. 168.

branches of science as would load a camel, works which never crossed the threshold of his door, for the *faqīhs* kept the students away. Finally, part of them were burnt and publicly destroyed in Seville.”⁷³ Ibn Ḥayyān went on to say that, in short, Ibn Ḥazm’s major mistake was to “be ignorant of the politics of science (*jahluhu bi-siyāsāt al-‘ilm*),” for he was fierce to anyone he met, to those who pressed him with questions, and flooded them with information (*baḥr ‘ilm*). On top of all this, to continue the settling of scores directed by the famous Andalusī historian, there was his unconditional support for the cause of the Umayyads “of past and present, of the East or of al-Andalus; he firmly believed in the legitimacy of their Imamate (*i’tiqāduhu li-ṣiḥḥat imāmatihim*), distancing himself from any other Qurashī cause which was not Umayyad.”⁷⁴

No less disagreeable and emphatic was the rejection shown by the famous *faqīh* and traditionist from Seville, Abū Bakr Ibn al-‘Arabī (b. 468/1076, d. 543/1148?), who, after returning from pilgrimage and studying in the East, which Ibn Ḥazm never did, issued a blanket condemnation of the work and person of the latter in the following words: “when I returned I found that the whole of the Maghrib had been filled with the doctrine of the *ẓāhir* by a feeble-minded man by the name of Ibn Ḥazm, who had trained and been connected with the Shāfi‘ī school, but who then joined Ibn Dāwūd [the founder of *Ẓāhirism* in the East]. Later, he broke away from all of them and became independent, claiming to be the imam of the imams, approving and rejecting, judging for himself and saying what was the proper way.”⁷⁵ His reputation as a scathing polemicist, which was earned among his contemporaries and which is clear from his works, would be long-lasting. Monographs were even written against Ibn Ḥazm, such as that written by the Cordoban Ibn Sahl (d. Granada. 486/1093) between the years 476/1083–480/1087 with the title *al-Tanbīh ‘alā shudhūdh Ibn Ḥazm*.⁷⁶ The mystic Abū l-‘Abbās Ibn al-‘Arīf (b. 481/1088, d. 536/1141), for example, would remark some time after the death of the author of the *Fiṣal* that “the tongue of Ibn Ḥazm and the sword of al-Ḥajjāj b. Yūsuf were sisters,” in allusion to his critical contempt for all types of imams.⁷⁷

⁷³ Reported by Ibn Bassām, *Dhakhīra*, vol. 1, p. 169.

⁷⁴ Reported by Ibn Bassām, *Dhakhīra*, vol. 1, p. 169.

⁷⁵ Ibn al-‘Arabī, *al-‘Awāṣim min al-qawāṣim*, vol. 2, pp. 136, 336.

⁷⁶ Kaddouri, “Identificación.”

⁷⁷ Ibn Khallikān, *Wafayāt*, vol. 3, p. 328; al-Yāfi‘ī, *Mir‘a*, vol. 3, p. 62.

But Ibn Ḥazm also had his defenders, who were not only the learned friends of his youth. His disciple al-Ḥumaydī⁷⁸ said that he knew nobody who combined such intelligence (*dhakāʾ*) with agility of memory (*surʿat al-ḥifẓ*), generosity of soul (*karam al-naḥs*) and religious devotion (*ṭadayyun*). The *qāḍī* Abū l-Qāsim Ṣāʿid b. Aḥmad considered Ibn Ḥazm the most perceptive and thorough expert on Islamic sciences (*ʿulūm al-islām*) in al-Andalus, with vast knowledge of language (*ʿilm al-lisān*), rhetoric (*al-balāgha*) and poetry, as well as of biographies (*ṣiyar*) and historical facts (*akhbār*).⁷⁹ And the Andalusī man of letters and poet Ibn Khāqān (d. 529/1139) would write a kind of counterattack to the list of charges that Ibn Ḥayyān had laid against him in the previous century. Ibn Khāqān classified Ibn Ḥazm as a “pioneering *faqīh*” (*faqīh mustanbiṭ*), as “not an imitator,” as “eminent and committed to his own analogical procedure” (*nabīh bi-qiyāsihi murtabiṭ*), as “not falling into [heretical] innovation and new creations” and warns, with a nod to the famous *qaṣīda* in which Ibn Ḥazm presents himself as the sun of wisdom in the West, that “because of him [Ibn Ḥazm], al-Andalus did not wish to be like Iraq; nor did souls, having him [near], desire to go to distant horizons,” to Iraq, a land in which he never set foot, “nor drank of the waters of the Euphrates,” but which he far exceeded.⁸⁰ Looking at him in hindsight, from little more than a century away, Ibn Khāqān emphasises the uniqueness of Ibn Ḥazm’s technique of argument, his ability to learn from everything, to discuss and argue (*nāẓara*) on any subject, and pays tribute to his dedication to writing himself to exhaustion. He likewise appreciates the fact that he abandoned the vizierate and its glamour “devoting himself to science (*ʿilm*) and its study,” showing that he was able to spurn the vain attractions of this world. Then Ibn Khāqān mentions some of his great works by way of example, and what by others had been interpreted as a lack of diplomacy and trenchant dialectic language now becomes “honesty in expression and observation” (*ʿafāf al-lisān wa-l-laḥẓ*). Ibn Khāqān would also exonerate Ibn Ḥazm of blame for lacking literary teachers, asserting that he had an excellent background in this field and formidable natural gifts (*badīḥa*); all of this is more than amply confirmed by his magnificent poetic output in which, according to Ibn Khāqān, he was exceptional.⁸¹ Eastern scholars placed more emphasis on his qualities as an original

⁷⁸ Al-Ḥumaydī, *Jadhwa*, vol. 2, p. 491, quoted by Ibn Bashkuwāl, *Ṣila*, pp. 605–606.

⁷⁹ Quoted by Ibn Bashkuwāl, *Ṣila*, p. 650.

⁸⁰ Ibn Khāqān, *Maṭmaḥ*, p. 280.

⁸¹ Ibn Khāqān, *Maṭmaḥ*, pp. 279–282.

researcher into the Qurʾān and the *ḥadīth*, his encyclopaedic command of the sciences and his predilection for an ascetic life; Ibn Khallikān, in spite of reproducing some of Ibn Ḥayyān's critical passages, added tributes, such as the fact that Ibn Ḥazm was "humble, yet possessed all the virtues (*mutawāḍiʿan dhā faḍāʾil jamma*) and numerous works (*tawālīf kathīra*)."⁸² But these and other re-evaluations belong to different times and places.

The image that contemporary sources present of Ibn Ḥazm towards the end of his life is that of a stubborn *faqīh*, holed up in his ancestral village of Montija, in Huelva. He had been forced to go there after one of his last periods of exile, perhaps from Seville, and quite probably as a result of the burning and public destruction of his works; he remained exiled in Montija, on the orders of al-Muʿtaḍid, who "had prevented people from going to him to study, and banned him from teaching, threatening to punish anyone who approached him for that purpose."⁸³ Even so, during the last days of his life Ibn Ḥazm continued to write his works, despite all odds, surrounded by a handful of intrepid pupils, and perhaps by some member or other of his family.

From the classic biographical listings⁸⁴ we can deduce that Ibn Ḥazm had three, or perhaps four, sons and one daughter: Abū Usāma Yaʿqūb, who was born, possibly in Cordoba, in the year 440/1048–9, when Ibn Ḥazm was nearing 54 years of age; Abū Sulaymān Muṣʿab, who is known to have been studying in the year 457/1064–5; Saʿīd, whom some sources identify as Ibn Ḥazm's son and the father of a certain Aḥmad who would be murdered in Silves in the decade beginning 540 (= 1145–55 CE); a daughter, whose name we do not know, who married Muḥammad b. Ḥazm al-Madhḥijī of Seville; and, finally, his son Abū Rāfiʿ al-Faḍl, who was born, possibly in Cordoba, at the beginning of the 5th/11th century, and who was in the service of King Muʿtamid of Seville, writing, as we mentioned before, a genealogical work for the ʿAbbāids.

As García Gómez has pointed out,⁸⁵ it is remarkable that this son of Ibn Ḥazm, Abū Rāfiʿ al-Faḍl, the only one of his descendants to leave a mark in the intellectual history of al-Andalus, should be in the service of the heir and successor of al-Muʿtaḍid, who was the one who ordered

⁸² *Wafayāt*, vol. 3, p. 325.

⁸³ Ibn Sahl, *Tanbīh*, quoted by Kaddouri, "Identificación," p. 313; Ibn Ḥayyān also gives the same image, as quoted by Ibn Bassām, *Dhakhīra*, vol. 1, pp. 168–170.

⁸⁴ Ibn al-Abbār, *Takmila*, vol. 1, p. 49 # 145; Ibn ʿAbd al-Malik, *Dhayl*, vol. 1, pp. 121–123 # 167; al-Ṣafadī, *Wāfi*, vol. 6, p. 391 # 2905.

⁸⁵ García Gómez, intro. to *El Collar de la paloma*, p. 50f.

the burning of Ibn Ḥazm's works. Abū Rāfiʿ, who was to lose his life in the battle of Zallāqa (479/1086), was apparently at his father Ibn Ḥazm's deathbed, since it is he who reports in detail on the circumstances. In a document addressed to the *qādī* Abū l-Qāsim Šāʿid b. Aḥmad, Abū Rāfiʿ noted that his father, Abū Muḥammad ʿAlī Ibn Ḥazm, "died on the evening of Sunday, two nights before the end [i.e. the 28th] of the month of Shaʿbān of the year 456, when he was 71 years, 10 months and 29 days old [lunar calendar, i.e. on 15 August 1064],"⁸⁶ in other words, 69 years, 9 months and 8 days by the solar calendar. Nevertheless, Yāqūt⁸⁷ offers some further details, and a slight variation in the date. He says he read the information in the handwriting of a certain Abū Bakr Muḥammad b. Ṭarkhān b. Yaltakīn b. Bajkam, who had been told by the imam Abū Muḥammad ʿAbd Allāh b. Muḥammad b. al-ʿArabī al-Andalusī that "the *shaykh* and imam Abū Muḥammad ʿAlī b. Aḥmad b. Saʿīd Ibn Ḥazm died on his estate, which is in the west of al-Andalus in the gulf of the great sea, in the month of Jumādā I of the year 456/April-May 1064," and then notes that the estate in question is that of Montija, which was, as we have already seen, the land of his forefathers. We shall, however, stick to the date given by his own son.

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⁸⁶ Ibn Bashkuwāl, *Šila*, p. 606 # 898.

⁸⁷ Yāqūt, *Irshād*, vol. 4, p. 1652.

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A PORTRAIT OF THE 'ĀLIM AS A YOUNG MAN:
THE FORMATIVE YEARS OF IBN ḤAZM, 404/1013–420/1029

Bruna Soravia

Both classical and more recent biographical studies on Ibn Ḥazm¹ fail to provide a satisfactory answer to some of the questions arising from the existing record of his early life, nor do they try to account for its frequent gaps. The image of the young author is typically patterned on the evidence provided by the *Ṭawq al-ḥamāma*, taken at a face value, with all its textual inconsistencies and misreadings. Ibn Ḥazm emerges from his *risāla* as a psychologically overwrought and somewhat pathetic character, very rarely in control of his own life as the troubling events of the early 5th/11th century unfold, affecting his own life and the lives of his closest friends.

With all the sheer beauty and casual modernity of this auto-portrait, I believe that we are now in a better position to question its contemporary aim and significance, as well as its global relevance to Ibn Ḥazm's life and times. Put differently, how do these biographical materials relate to the overall historical context, as narrated by other contemporary witnesses? And what is missing or hidden from the *Ṭawq*'s narrative, because of its complicated textual history and particular intention?

I have attempted a reconstruction of Ibn Ḥazm's early life to his mature age, that is, to his *ikthāl*.² I will argue that the pivotal year was actually his thirty-fifth, 419–420/1028–9. I have reconsidered the information presented in the *Ṭawq* in the light of the fuller picture of the life of the Cordoban political élite in the early 5th/11th century, as provided by Ibn Bassām's *Dhakhīra*, Ibn 'Idhārī's *al-Bayān al-Mughrib* and al-Ḥumaydī's *Jadhwa*. To these sources, I have added the data scattered in a few

¹ The latest, to my knowledge, is the long bio-bibliographical entry by J.M. Puerta Vilchez (with R. Ramón-Guerrero) in *Enciclopedia de la cultura andalusí. Biblioteca de al-Andalus*, Almería 2004, pp. 392–443 # 596 (from now on: *Ibn Ḥazm ECA*).

² The *ikthāl*, that is, the reaching of full age, was fixed between thirty and forty years (cf. *Tāj al-Arūs*, s.v., on the authority of Ibn al-Athīr); according to al-Qālī, it began at thirty-three years, cf. *Dhayl al-Amālī*, ed. Beirut 1965, vol. 2, p. 38.

biographical dictionaries and in other works by Ibn Ḥazm and others, to the extent possible.³

I have searched this body of information for an answer to two precise questions about Ibn Ḥazm's juvenile years, the ones that I have wondered about from the beginning of my research:

How can one understand the discontinuity in Ibn Ḥazm's life, from being an eminent *adīb* and a vizier to becoming a *faqīh* and a *ʿālim*? (as al-Ḥumaydī says: "he renounced this world—*zāhid fī l-dunyā*—after having been, as his father was, in a position of power in the vizierate and in the state government").

Why is Ibn Ḥayyān, a contemporary of Ibn Ḥazm and a fellow scion of the Cordoban governmental élite, so unrelentlessly critical of him?

Both these questions have been my Ariadne's thread in the attempt to reconstruct Ibn Ḥazm's early life narrative, as they have helped me to look for a deeper understanding, beyond the conventional representation of the young author as the victim of a viciously adverse fate. I have found that they are actually interrelated, and that the answer to both may shed some new light on Ibn Ḥazm's juvenile years. As I will try to show in the following, this hints to Ibn Ḥazm's substantial and coherent involvement in the political life of al-Andalus in the first two decades of the 5th/11th century, in the wake of what can be described as the most ambitious attempt to maintain the *status quo* at the death of al-Muẓaffar Ibn Abī ʿĀmir, al-Manṣūr's oldest and ablest son.

This attempt was conducted by a group that is known in the historical sources as the *mawālī ʿamiriyya*, the Amirid clients, that is, the caste of civil and military officers, of various origins but mostly former slaves of Northern and Central-European stock (*ṣaqāliba*),⁴ who formed the Amirid *khidma* at the time of al-Muẓaffar b. Abī ʿĀmir.⁵ This group, led first by Wāḍih, then by Khayrān,⁶ and acting together with Mundhir b. Yaḥyā al-Tujībī, was able to cast its influence on the succession war for the caliphate in Cordoba, while at the same time establishing in the Sharq

³ I am greatly indebted to Maribel Fierro for enabling me to do further research for this article in the library of the C.S.I.C. in Madrid with the sponsorship of KOHEPOCU (ARG-ERC).

⁴ Meouak, *Ṣaqāliba*, pp. 84ff.

⁵ The slave *mawālī* were the survivors of the group of twenty-six individuals mentioned in Ibn al-Khaṭīb, *Aʿmāl*, p. 104. In selecting them, ʿAbd al-Malik al-Muẓaffar "more than doubled the number of the emasculated among them."

⁶ On Wāḍih, Khayrān and the other *ṣaqāliba*, see Meouak, *Ṣaqāliba*, pp. 202–204 and *ad indicem*; Guichard/Soravia, *Royaumes*, pp. 41–43.

al-Andalus a network of new state entities, headed by the most energetic among the *mawālī*. The *mawālī* also helped the Ḥammūdids in establishing their rule in the south of al-Andalus and, occasionally, supported them in their attempts to reign in Cordoba, as a way of keeping control over the main and more ambitious Berber military clients of the Amirid family.⁷

I will try to demonstrate that Ibn Ḥazm took part in the *mawālī*'s grand plan and that his participation in the events of the years 404–420/1013–1029, and even beyond that date, bears a clear Amirid mark. This fact does not easily dovetail with the more familiar image of Ibn Ḥazm we get from some sources—and namely from Ibn Ḥayyān—as an Umayyad loyalist, “legitimista rabioso” in the words of E. García Gómez. Moreover, my contention is at odds with the current picture of Andalusī politics in the first half of the 5th/11th century, unless one also reformulates the schema of the contemporary political allegiances, as I will attempt to do. However, it should be pointed out that our knowledge of the history of the early 5th/11th century in al-Andalus remains incomplete, as far as its detailed chronology and political geography are concerned. Also, I am well aware that some of my conclusions are incomplete or in need of stronger evidence. Presenting them nonetheless, I hope that they may help in setting the framework for a further discussion and a deeper inquiry.

THE *IKHWĀN* NETWORK

While in the following pages I will mostly seam together the sparse evidence from different sources, I have found a rather coherent biographical and literary thread in the group of contemporary *udabā'* and *shu'arā'* who appear related to Ibn Ḥazm in the *Dhakhīra*, or are mentioned by him to al-Ḥumaydī in the *Jadhwa*. The same names recur, in a more discontinuous pattern, in the historical record about the end of the caliphate and the early *ṭā'ifa* kingdoms, where they are connected in various ways to the Amirid side.

These are Ibn Ḥazm's close friends, his *proches* and I am using here the notion of “proximity” as it has been recently formulated by S.M.

⁷ I realise that I seem to be giving here new life to the old thesis of an “Amirid party,” proposed more than forty years ago by H. Monès (“Consideraciones,” pp. 313ff.) and effectively dispelled by Wasserstein, *Rise and Fall*, pp. 101–104. In fact, while Monès rightly appreciated the extent and importance of the model set by al-Manṣūr, he failed to interpret its real meaning.

Toorawa, in an essay documenting the birth of these peculiar literary brotherhoods at the Abbasid court in Baghdad, in the 9th century.⁸ In the *Dhakhira* of Ibn Bassām and in the other literary sources drawing upon it, they are often called *ikhwān*, “brothers,” a word that seems to designate specifically, in this context, the *udabāʾ* belonging to what was left of the Amirid milieu in Cordoba,⁹ and who continue to be involved in the Amirid *mawālī*’s political venture in the Sharq al-Andalus, serving as their *wuzarāʾ* *kuttāb* or seeking their protection. Like the Oriental brotherhoods described by Toorawa, the Amirid *ikhwān* share, besides their more or less firm connection with the Amirid group and, in some cases, a personal tie with the Amirid family,¹⁰ their affiliation with *adab*, the masters and places of their education, the city—Cordoba—where they were born or live, patrons, pleasures and woes. Among the shared features of the group of Amirid *ikhwān*, there is a strong anti-Judaic bias, a stance that seems common among the Cordoban élite of the time. Ibn Ḥayyān, for one, does not hesitate to curse the Jews when mentioning Ibn Ḥazm’s polemics against them,¹¹ while he also vents a strong anti-Berber feeling, equally widespread in this milieu.

Who make up the group of Ibn Ḥazm’s *ikhwān*?¹² First of all, Abū ‘Āmir Ibn Shuhayd,¹³ Ibn Ḥazm’s friend and companion¹⁴ together with

⁸ Toorawa, *Ibn Abī Ṭāhir Tayfur*, pp. 102–122, developing an hypothesis first presented by Hilary Kilpatrick in her essay, “Context and the Enhancement of the Meaning of *Akhbār* in the *Kitāb al-Aghānī*,” *Arabica* 38 (1991), pp. 351–368. José Mohedano has studied the evolution of this model in the fifth/eleventh century al-Andalus in his seminal essay “Acerca de las funciones del *adab* en la sociedad andalusí del s. V/XI. Código criptico y elite cultural,” *Al-Qantara* 25 ii (2004), pp. 503–538.

⁹ The word was also used by the Amirid *mawālī* to describe their relation. When, for instance, the *kātib* Ibn ‘Abbās introduced Zuhayr to the people of Almería as their new ruler after the death of Khayrān, he called him “brother” of the deceased (Ibn al-Khaṭīb, *Aʾmāl*, p. 216).

¹⁰ See, for instance, Ibn Shuhayd’s long *risāla* addressed to ‘Abd al-‘Azīz Ibn Abī ‘Āmir, asking for his help in the conservation of a family estate in Tudmir, where the relation of *walāʾ* that linked his father to al-Manṣūr himself and to his sons is strongly underlined (Ibn Bassām, *Kitāb al-Dhakhira fī Maḥāsīn Ahl al-Jazīra*, ed. I. ‘Abbās, Beirut 1399/1979, vol. 1, pp. 193–203).

¹¹ Ibn Bassām, *Dhakhira*, vol. 1 i, p. 170.

¹² My list coincides in part with the list of Ibn Shuhayd’s friends given by Dickie, “Ibn Shuhayd,” p. 260, since Ibn Shuhayd was the most influential among the Amirid *ikhwān*. I also suspect that the *ikhwān* would easily fit within García Gómez’s elegant but otherwise vague notion of “el grupo revolucionario de los estetas de Córdoba” (*Introducción to El collar de la paloma*, Madrid 1952, pp. 6–7. From now on: *Collar*).

¹³ Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 191ff.; Ávila, *Sociedad*, # 220.

¹⁴ *Ṣaḍīquna wa-ṣāḥibuna* as he is called in the *Risāla fī faḍl al-Andalus* (cit. in al-Maqqarī, *Nafh al-Ṭīb*, ed. I. ‘Abbās, vol. 3, pp. 158–179, transl. by Ch. Pellat, “Ibn Ḥazm, apologiste de l’Espagne musulmane,” *Al-Andalus* 19 (1954), pp. 53–102).

Abū l-Mughīra ‘Abd al-Wahhāb,¹⁵ Ibn Ḥazm’s first cousin, and Abū Bakr Muḥammad b. Ishāq Ibn al-Muḥallab (or al-Muḥallabi),¹⁶ Ibn Ḥazm’s fraternal friend, who shares his exile and alternating fortune, as witnessed by the *Ṭawq*, and to whom Ibn Ḥazm dedicates the *Risāla fi faḍl al-Andalus*. Also, Abū ‘Amr Ja‘far b. Yūsuf Ibn al-Bājī,¹⁷ the three al-Ṭubnī-brothers—Abū ‘Abd Allāh Muḥammad b. Yaḥyā b. Muḥammad b. al-Ḥusayn al-Tamīmī,¹⁸ whose tragical death for love is described in the *Ṭawq*,¹⁹ Abū Bakr Ibrāhīm²⁰ and Abū ‘Amr al-Qāsim b. Yaḥyā al-Tamīmī;²¹ their cousin, Abū Marwān ‘Abd al-Malik b. Ziyādat Allāh,²² Abū Bakr ‘Ubāda Ibn Mā’ al-Samā’.²³ Moreover, Abū Bakr Yaḥyā Ibn Ḥazm²⁴ (not related to Ibn Ḥazm’s family), to whom Ibn Shuhayd’s *Risālat al-tawābī’* is dedicated; Aḥmad Ibn Burd al-Aṣghar,²⁵ whose reputation almost equalled that enjoyed by his grandfather and namesake, in the final years of the Marwānid caliphate. Finally, the famed Abū Ja‘far Ibn ‘Abbās,²⁶ who became the secretary of the two chief Amirid *mawālī*, Khayrān and Zuhayr, in Almería, and was connected to most of the *ikhwān*, as I will show in the following. I would also mention, at the margin of this group and by far the senior of them all, Aḥmad Ibn Darrāj al-Qaṣṭallī,²⁷ the greatest Amirid poet, in whose trail

¹⁵ Ibn Bassām, *Dhakhīra*, vol. 1 i, pp. 132ff.; Ávila, *Sociedad*, # 198.

¹⁶ His biography in al-Ḥumaydī, *Jadhwaṭ al-muqtabis* 1–2, ed. I. al-Abyari, Beirut/Cairo 1410/1989, # 23; Ibn al-Abbār, *Takmila*, ed. Cairo 1375/1956, # 1090.

¹⁷ Although he is often identified with Yūsuf b. Ja‘far Abū ‘Umar (e.g., Ibn Bassām, *Dhakhīra*, vol. 2 i, pp. 186ff.), I rather believe that Ibn Ḥazm’s friend was actually his father Ja‘far (al-Ḥumaydī, *Jadhwa*, # 352). The Banū al-Bājī were a dynasty of *kuttāb* and Ibn Bassām himself was in doubt whether the author of the works he was quoting was the father or the son.

¹⁸ Al-Ḥumaydī, *Jadhwa*, # 168.

¹⁹ Chap. XXVIII, (when citing the *Ṭawq*, I will only give the reference to the chapter, not to any precise page or edition. Also, the translation is mostly mine, unless otherwise indicated).

²⁰ Al-Ḥumaydī, *Jadhwa*, # 295. He was among the panegyrists of Ḥakam b. Sa‘īd al-Qazzāz, the famed vizier of al-Mu‘tadd, of whom more will be said later.

²¹ The *Ṭawq* (chap. XXVIII) calls him the “brother” of Abū ‘Abd Allāh.

²² Al-Ḥumaydī, *Jadhwa*, # 629.

²³ Al-Ḥumaydī, *Jadhwa*, # 662; Ibn Bassām, *Dhakhīra*, vol. 1 i, pp. 468–480.

²⁴ Al-Ḥumaydī, *Jadhwa*, # 887.

²⁵ Ibn Bassām, *Dhakhīra*, vol. 1 i, pp. 486ff.

²⁶ On him, see my biographical essay, “Vie et mort d’un *kātib* andalou: la carrière d’Abū Ja‘far Ibn ‘Abbās au début de l’époque des taifas,” *Al-Andalus/Maghreb* 10 (2002–3), pp. 187–214; and M.L. Ávila, “Al-Ÿurḡānī e Ibn ‘Abbās, víctimas de Badis,” in M. Fierro (ed.), *Estudios onomástico-biográficos de al-Andalus*, XIV, Madrid 2004, pp. 137–166. See Ibn Bassām, *Dhakhīra* 1 i, 305–307 for the report of the famous quarrel between Ibn ‘Abbās and Ibn Shuhayd, in which many of the *ikhwān* were also involved.

²⁷ On him, cf. Ibn Bassām, *Dhakhīra* 1 i, 59–96; M.L. Ávila, *Sociedad*, # 307. Al-Qaṣṭallī will end his life in Saragossa, as the resident panegyrist of Mundhir b. Yaḥyā al-Tujībī, one of the leading Amirid *mawālī*.

much of the later poetry will be composed, and Ibn al-Ifilī, the teacher of Ibn Shuhayd (who kept an highly ambivalent relation to him) and a very influential figure on this first post-Amirid generation of *udabā'*.²⁸ One could also think of a cluster of other less well-known individuals, who have not been recorded in the main literary sources, whose elusive glimpse we are still able to catch through the *Jadhwa*.

At the centre and heart of this ideal circle is Abū 'Āmir Muḥammad b. 'Abd al-Malik Ibn Abī 'Āmir, the son of al-Muẓaffar Ibn Abī 'Āmir,²⁹ a few years younger than Ibn Ḥazm, whose charming and unstable personality the *Ṭawq* portrays in detail, so that he emerges as one of the central characters of its narrative. Abū 'Āmir Muḥammad, who keeps a court in Cordoba, becomes a very close friend of Ibn Ḥazm, despite their fathers' reciprocal enmity and despite the stormy beginning of their relationship.³⁰ He is also on very close terms with Ibn Shuhayd, as it is indicated by some interesting scenes of *uns* reproduced in the *Dhakhīra*.³¹

What I have called before the Amirid mark of Ibn Ḥazm's formative years persists well into his mature age, as I will argue in the last section of this essay. As to the *ikhwān*, we can perceive it in his praise of Ibn Darraj³²

²⁸ See the entry by José Mohedano in *Enciclopedia de la cultura andalusí. Biblioteca de al-Andalus*, Almería 2004, pp. 510–521.

²⁹ His real identity has often been mistaken by Ibn Ḥazm's modern biographers, with the relevant exception of E. Lévi-Provençal (*Histoire*, vol. 2, p. 281 # 4 and "En relisant le Collier de la colombe," *Al-Andalus* 15 (1950), pp. 350–352) followed by E. García Gómez (*Collar*, n. 5 to chap. II). More recently, Rubiera Mata has studied the chapter on him in Ibn al-Khaṭīb's *A'māl* ("El príncipe hastiado, Muhammad Ibn 'Abd al-Malik Ibn Abī 'Āmir, efímero soberano de Orihuela y Murcia," *Sharq al-Andalus* 4 (1987), pp. 73–81), without attempting to build a coherent biographical narrative. The known events of his life, to the time that I am considering, are the following: born around 392/1001–2, he was the son of 'Abd al-Malik al-Muẓaffar and Khayāl, who later married Qāsim Ibn Ḥammūd. Al-Muẓaffar obtained for him, in 398/1007, the title of *dhu l-wizāratayn* and the *kunyā* of Abū 'Āmir ("like his grandfather") from the caliph Hishām II (cf. Ibn 'Idhārī, *al-Bayān*). After his father's death, he was cared for by his grandmother al-Dhāfā, who entrusted him with his father's wealth (Ibn 'Idhārī, *Bayān*, pp. 63–64); at al-Dhāfā's death, he was under Mundhir b. Yaḥyā's tutelage for a few years, as would his cousin 'Abd al-'Aziz after him. In 412/1021, he took Jaén from the Banū Ifrān (*ibidem*, p. 133), thus entering the mainstream of contemporary Andalusī politics (Ibn al-Khaṭīb, *A'māl*, pp. 193–194).

³⁰ See *Ṭawq*, chap. IV.

³¹ Ibn Bassām, *Dhakhīra*, vol. 1 i, pp. 301ff. See also Dickie, "Ibn Shuhayd," pp. 280–281. It should be added that the evidence on Abū 'Āmir Muḥammad is rather limited and not unequivocal, to the point that Ibn Ḥazm himself does not attribute male offspring to al-Muẓaffar Ibn Abī 'Āmir in his *Jamharat ansāb al-'arab* (p. 393). However, this section of the text is corrupt and apparently incomplete, while their parentage is unambiguously confirmed, for instance, by the aforementioned official act by Hishām II, whereby he was given the dignity of *dhu l-wizāratayn*.

³² Al-Ḥumaydī, *Jadhwa*, # 181.

and his continued friendship with Ibn Burd al-Aṣghar, both recorded by al-Ḥumaydī.³³ Actually, the *Jadhwa*, whose record probably went lost in al-Andalus with al-Ḥumaydī's transfer to the East, appears to be the main witness to this aspect of Ibn Ḥazm's biography.

IBN ḤAZM'S POLITICAL VENTURE

Here are the main events of Ibn Ḥazm's life, from the time of his exile from Cordoba (404/1013) to 429/1038, as they will be discussed in the following pages:

- In 404/1013, Ibn Ḥazm settles in Almería, under the protection of Khayrān, the leader of the Amirid *mawālī*.
- In 406–7/1016, Khayrān imprisons him for his alleged pro-Umayyad propaganda. Then he is exiled together with Abū Bakr Ibn al-Muḥallab, and the two friends seek refuge for a while at Ḥiṣn al-Qaṣr. Later, Ibn Ḥazm moves to Valencia, where he takes part in al-Murtaḍā's failed attempt to become caliph, possibly acting as his vizier.
- In 408/1017, following al-Murtaḍā's defeat and death, he is imprisoned by the Zirids in Granada.
- In 409/1018, he is in Cordoba, under al-Qāsim Ibn Ḥammūd. He leaves in 412/1020–1, perhaps joining Abū 'Āmir Ibn al-Muẓaffar's bid for power in the Sharq. He is said to have moved to Jativa (*Shātība*), in the *ṭā'ifa* ruled by Khayrān.
- In 414/1023 he is in Cordoba again, where he supports al-Mustazhir's caliphate and becomes his vizier. When al-Mustakfi takes the power, he imprisons Ibn Ḥazm.
- In 416/1025, Ibn Ḥazm is in Jativa again, then, for a period between 416 and 419/1028, in Alpuente with the Banū Qāsim, the former Amirid officers who provide a sanctuary for Hishām b. Muḥammad, brother of al-Murtaḍā, soon to be appointed caliph as al-Mu'tadd.
- At some period between 419 and 421/1028–1030, he says farewell to Ibn al-Muẓaffar for the last time, on the beach of Malaga. After Khayrān's death (419), Ibn Ḥazm is found in Cordoba, studying and teaching with the Zāhirite scholar Abū (or Ibn) al-Khiyār Ibn Muflit. During the

³³ Al-Ḥumaydī, *Jadhwa*, # 192.

caliphate of Hishām III al-Mu‘tadd, he is probably appointed his vizier. He will consider Ibn Jahwar’s government after 422/1031 illegitimate.

- After al-Mu‘tadd’s fall, he lives in the *ṭāʾifa* of Almería, possibly taking sides in the political conflict that pitches Zuhayr and his visier Ibn ‘Abbās against the Zirids of Granada.
- Following the battle of Deifontes (429/1038), he quits for Denia, then goes back to Almería, maybe at the request of the city’s new lord, Ma’n Ibn Ṣumādiḥ, himself a former Amirid officer.

The aims of the political venture Ibn Ḥazm joins in appear quite contradictory from the start, if we adopt the current interpretation that considers the rival parties in the arena as neatly distinct. What I propose, instead, is to see the stance of the Amirid *mawālī* and their followers as a variation on the widely shared position of support for a legitimate caliphate in Cordoba. It is the same that Ibn Ḥayyān, for one, also articulates, although differently (actually, as I will show, the historian ended up being a much less pro-Marwanid partisan than is currently assumed).

More specifically, I wish to argue that, contrary to what is commonly held,³⁴ the Amirid faction that was led by Wāḍiḥ followed by Khayrān—the same faction that Ibn Ḥazm seems to be close to for most of his young adult’s life—is the one that also supports for a longer time, at least until 420/1029, the idea of a legitimate caliphate. It does so, to be sure, following the example set by al-Manṣūr Ibn Abī ‘Āmir in al-Andalus (and by others all over the contemporary Muslim world), that is, assuming that the caliphate could survive even if the actual owner of the title is incompetent, when there is a *ḥājib* able to fulfill his obligations and assure a strong and formally acceptable government.

Khayrān and the Amirid *mawālī* who obey him adopt this model in the most opportunistic way. On more than one occasion, they seem to go as far as to sustain the Alid caliphal claim, while betraying the Marwanid pretenders who ask for their help. This is the case with Muḥammad, the son and presumed heir of Sulaymān al-Mustaʿīn: after his father’s death, he escapes to Mundhir b. Yaḥyā looking for his support, but is betrayed and killed by him.³⁵ It is also the case with al-Murtaḍā, whose political scheme is destined to failure and he himself to a tragic death by both

³⁴ For instance, Asín Palacios opposes the *mawālī* to “los legitimistas” in his *Aben-házam*, vol. 1, pp. 64–65.

³⁵ Ibn Ḥazm, *Jamharat ansāb al-ʿarab*, p. 94.

Khayrān's and Mundhir's betrayal. In any event, nothing happens in Cordoba, until 420/1029 at least, without the assent and the active participation of the *mawālī*'s leadership.

Within the Amirid party there were also different currents, and Ibn Ḥazm seems to belong to the one that supported the lineage of 'Abd al-Malik al-Muẓaffar against 'Abd al-Rahmān Sanchuelo's, both of them sons of Ibn Abī 'Āmir al-Manṣūr. This seems to be true, even if the father of Ibn Ḥazm was the *kātib* of Sanchuelo and, by his own declaration in the *Ṭawq*, hostile to al-Muẓaffar. Nonetheless, the events following Ibn Ḥazm's first exile from Cordoba contributed to his siding with al-Muẓaffar's son on a political level, in addition to his deep sympathy for him, while, on the other hand, his overall affiliation with the Amirid family and faction continued to stand. His friendship with Abū 'Āmir will be put under strain in the years to come, as the latter loses the backing of his *mawālī* in the bid for Almería, clashes with Khayrān, and is then forced into exile by al-Mu'tadd, around whom, at a certain point, the support of a large portion of the Amirid party will gather.

Ibn Ḥazm, together with Muḥammad b. Ishāq Ibn al-Muhallab and Ibn al-Ṭubnī, enter Khayrān's entourage in 404/1013, as the latter conquers Almería. When Khayrān initially supports 'Alī Ibn Ḥammūd's bid for power in Cordoba, between 406 and 407/1015–6,³⁶ Ibn Ḥazm is arrested for allegedly siding with the Umayyad *da'wa*. This does not prevent him from remaining at Khayrān's side, as his late self-justification in the *Ṭawq* implies.³⁷

...when the Marwanid dynasty was interrupted, and the Prince of the Believers Sulaymān al-Zāfir was killed and the Ṭālibid [i.e., the Hammudid] dynasty appeared [...] I fell from the grace of Khayrān, the ruler of Almería, since some wicked persons who did not fear God in their hearts (but God has since take revenge on them) reported to him that my friend Muḥammad b. Ishāq and I were in favour of the Umayyad *da'wa*. Khayrān arrested us and kept us with him for some months, after which he let us leave into exile.

If we take this passage at face value—which is always risky with the *Ṭawq*—we need to suppose that the Umayyad *da'wa* meant here is some-

³⁶ Ibn 'Idhārī, *Bayān*, pp. 121–122. According to this source, Khayrān helped 'Alī b. Ḥammūd in the hope of restoring Hishām II's caliphate, then, when he knew that the latter was missing, he turned against 'Alī.

³⁷ Chap. XXVIII ("On death"). Sulaymān al-Zāfir is al-Musta'in, while the Ṭālibids are the Banū Ḥammūd, who claimed 'Alid descent.

thing different from both the Marwanid one mentioned a few lines before, as represented by Sulaymān al-Mustaʿīn who had just been killed by ʿAlī Ibn Ḥammūd, and from the *daʿwa* of al-Murtaḍā, the Marwanid pretender whom Khayrān had initially supported. Actually, I think that this accusation may hint at the *daʿwa* of al-Muʿayyī, the Egyptian Umayyad whose claim was being supported in the same years by Mujāhid, Khayrān's fellow *fatā* and archenemy.³⁸

After a period at Ḥiṣn al-Qaṣr, under the protection of Ibn al-Muqaffal al-Tujībī,³⁹ Ibn Ḥazm joins al-Murtaḍā's bid for the caliphate, since we find him in Valencia when it starts.⁴⁰ Al-Murtaḍā will eventually be betrayed by the Ṣanhāja Zirids, then by Khayrān and Mundhir, who rush in support of al-Qāsim Ibn Ḥammūd, ʿAlī's brother and Cordoba's new ruler. Ibn Ḥazm may have followed in the same trail, since he is in Cordoba between 409 and 412/1018–21, under al-Qāsim b. Ḥammūd's rule. Al-Qāsim, who seems to enjoy a special rank among the Amirid Berber *mawālī*, was also the new husband of Abū ʿĀmir Muḥammad's mother, Khayāl—a fact that may be explained by the reciprocal rights and obligations of the *walāʾ*. One can also guess that her son enjoyed the favour of al-Qāsim, as probably did his friend Ibn Ḥazm.⁴¹

³⁸ Cf. Ibn al-Khaṭīb, *Aʿmāl*, p. 220; Ibn ʿIdhārī, *Bayān*, pp. 115–116. The text makes a distinction between the *dawla marwāniyya* that Sulaymān's death had “interrupted” (*inqaṭaʿat*), and the *daʿwat dawlat umawīyya* that Ibn Ḥazm is accused of sustaining. To this same accusation may be hinting Ibn Ḥayyān, when he says that Ibn Ḥazm was a partisan of the Banū Umayya, see below. See also Guichard/Soravia, *Royaumes*, pp. 21–22 on the coins minted in Almería in the name of one ʿAbd Allāh, who could be identified with al-Muʿayyī. However, in his *Jamharat ansāb al-ʿarab* (p. 406), Ibn Ḥazm does not acknowledge al-Muʿayyī's right to the caliphate and only considers those pretenders who belong to the Marwanid lineage. Among them, he reserves some harsh criticism to the “caliph of the Berbers,” Sulaymān al-Mustaʿīn, the real enemy of the Amirid faction, while even when judging al-Mustakfi and al-Mahdi he is moderate. The latter is portrayed as the caliph who started the disintegration of al-Andalus, but also as the last one to enjoy a “full sovereignty” (*wilāya tāmma*) over the Peninsula and most of the North African dominions.

³⁹ According to García Gómez, this fortress was probably in the region of Malaga or Murcia, and he renames it “Aznalcázar,” without further specifying its whereabouts (*Col-lar*, pp. 11 and 245–246). See also Rosado Llamas, *La dinastía hammudī*, p. 156 n. 736, discussing a different localization (in the region of Morón) proposed by F. Maíllo Salgado in his translation of Ibn ʿIdhārī's *Bayān* (*La caída del califato*, p. 162). The full name of the otherwise unknown Ibn al-Muqaffal was, according to Ibn Ḥazm, Abu l-Qāsim ʿAbd Allāh b. Muḥammad Ibn Hudhayl.

⁴⁰ *Ṭawq*, chap. XXVIII; Ibn Bassām, *Dhakhira*, vol. 1 i, p. 453 ss. In his *Jamharat ansāb al-ʿarab* (p. 93), Ibn Ḥazm speaks highly of al-Murtaḍā's pious and ascetic personality (“he never wore silk fabrics until he died”). See also Guichard/Soravia, *Royaumes*, pp. 43–44.

⁴¹ Ibn ʿIdhārī, *Bayān*, p. 133. Al-Qāsim's special status as Amirid *mawālī* is also acknowledged by ʿAbd al-ʿAzīz, the son of Sanchuelo and Abū ʿĀmir's cousin, when he asks for his recognition as Valencia's ruler (see Ibn ʿIdhārī, *Bayān*, p. 165).

In the year 412/1021, the *mawālī* were to decide who, among the living Amirid heirs, would rule over Valencia. While Mundhir and Khayrān wished to give the town to Abū ‘Āmir Muḥammad, the others chose instead his cousin ‘Abd al-‘Azīz, Sanchuelo’s son, who was not yet fifteen at the time, while Abū ‘Āmir was almost twenty.⁴² It is probably at this point that Abū ‘Āmir left Cordoba and took Jaén from the Banu Ifrān,⁴³ who had been appointed by their ally al-Musta‘īn over the town in 403/1013; on this occasion, he assumed the *laqab* of al-Mu‘taṣim.⁴⁴ The choice of Jaén may have been suggested by al-Qāsim Ibn Ḥammūd himself, as a way of getting rid of its riotous Berber rulers, since he has not been able to get any help against them from the *mawālī*.⁴⁵

Soon after that al-Qāsim abandoned Cordoba, aiming for Seville, while Ibn Ḥazm returned to the *Sharq*, to Jativa—a place that Ibn Ḥayyān describes as “the territory of the Amirid *mawālī*.”⁴⁶ At the same time, according to the rather sketchy chapter in Ibn al-Khaṭīb’s *A‘māl*, Khayrān, who had proclaimed himself independent (*istaqalla*) in Orihuela and Murcia and was being attacked by Mujāhid, asked for Abū ‘Āmir Muḥammad’s help, pledging to give him what he had conquered. Muḥammad rushed to his side and after they prevailed received his due. Then things turn sour between the two; Khayrān gathers an army in Almería and moves against Muḥammad, expelling him from Murcia first (Rabī‘ I 413/June 1022), with the help of a turncoat, then from Orihuela. Muḥammad has to seek shelter with his former enemy Mujāhid, and then leaves for “the western territories of al-Andalus,” that is, most probably, Cordoba, where al-Qāsim Ibn Ḥammūd is caliph again (Dhū l-qa‘da 413 to 414/1022–23). Apparently, Jaén falls under Khayrān’s rule until 419, when the Zirids take it.

Ibn Ḥazm stays briefly in the *Sharq*, then we find him in Cordoba in 414, “the sorrowful year in which three caliphs came and went”⁴⁷ in the words of Ibn Ḥayyān, at the court of the second of them, the short-lived ‘Abd al-Rahmān IV b. ‘Abd al-Jabbār al-Mustaḥhir. Al-Mustaḥhir chooses him

⁴² Ibn ‘Idhārī, *Bayān*, p. 164; Ibn Bassām, *Dhakhīra*, vol. 3 i, p. 249. See also Guichard/Soravia, *Royaumes*, pp. 43–44; B. Soravia, “Vie et mort,” pp. 190–191.

⁴³ Ibn ‘Idhārī, *Bayān*, p. 133; Ibn al-Khaṭīb, *A‘māl*, pp. 193–194; Rubiera Mata, “El príncipe hastiado,” p. 76.

⁴⁴ Ibn ‘Idhārī, *Bayān*, p. 113. He died in 419/1028 or 421/1030, according to Ibn al-Khaṭīb, *A‘māl*, p. 194.

⁴⁵ Rosado Llamas, *La dinastía hammudī*, p. 124, rightly stressing the relation between al-Qāsim and Abū ‘Āmir.

⁴⁶ I am following here the storyline provided by *Ibn Ḥazm ECA*, p. 395; Ibn Ḥayyān’s remark in Ibn Bassām, *Dhakhīra*, vol. 3 i, p. 517.

⁴⁷ Ibn Bassām, *Dhakhīra*, vol. 1 i, p. 434.

and other *ikhwān* as his viziers, a fact that, together with his impressively well-staged entrance into the Great Mosque, would suggest that, behind the unlikely proclamation of the young and naïve ‘Abd al-Raḥmān, stood the Amirid *mawālī*.⁴⁸ When, a little more than a month later, al-Mustaẓhir is killed by his guard, al-Mustakfi becomes caliph and Ibn Ḥazm is put in jail, together with his cousin ‘Abd al-Wahhāb.⁴⁹ He escapes to Jativa, probably after al-Mustakfi is deposed by Yaḥyā Ibn Ḥammūd in 416. While Khayrān and Mujāhid briefly take Cordoba, after Yaḥyā is gone in 417/1026, Ibn Ḥazm remains in the Sharq for the next few years, spending some time at the court of the Banū Qāsim at Alpuente.⁵⁰

It is on the shore of Malaga, together with Ibn al-Muhallab, that Ibn Ḥazm says farewell to Abū ‘Āmir for the last time, before the latter’s journey “to the East.”⁵¹ Given what we know about Abū ‘Āmir, the scene is probably to be dated around 418 or 419 (ca. 1027), when Abū ‘Āmir escapes from Cordoba with his riches and folks, heading for his *mawālī* (that is, Khayrān) in Jativa. I agree with Lévi-Provençal and García Gómez that the *mashriq* mentioned here must refer to the *Sharq al-Andalus* proper,⁵² namely Valencia and its region, with Jativa. The fact that Abū ‘Āmir is sailing from Malaga can probably be explained by the fact that it was easier to navigate the coast from South to North-East than to cut across the country.⁵³ Yaḥyā Ibn Ḥammūd was at the time the ruler of Malaga,⁵⁴ by Khayrān’s assent.⁵⁵

The reason for Abū ‘Āmir’s flight was, according to Ibn Ḥayyān, that Hishām al-Mu’tadd, the Marwanid pretender, and his vizier Ḥakam b. Sa’id al-Qazzāz were after him for “the crime of Sulaymān b. Hishām b. ‘Ubayd Allāh Ibn al-Nāṣir,” ‘Abd al-Raḥmān III’s great-grandson and

⁴⁸ See the highly sympathetic account of his caliphate given by al-Ḥumaydī, on the authority of Ibn Ḥazm and Ibn Shuhayd (al-Ḥumaydī, *Jadhwa*, vol. 1, pp. 56–57); Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 48ff. Ibn Ḥazm will portray him, somewhat laconically, as *adīb shā’ir* in his *Jamharat ansāb al-‘arab*, p. 92. For the pomp of his crowning, see Fierro, “Pompa.”

⁴⁹ Ibn Bassām, *Dhakhira*, vol. 1 i, p. 436. They are al-Qāsim Ibn Ḥammūd, al-Mustaẓhir and al-Mustakfi.

⁵⁰ On them, see A. Huici Miranda, *Encyclopaedia of Islam* (2nd ed.): s.v. al-Bunt, and related sources.

⁵¹ *Tawq*: chap. II. In *Ibn Ḥazm ECA*, p. 395, the departing friend is mistakenly identified with Ibn al-Muhallab.

⁵² *Collar*, p. 92; Lévi-Provençal, “En relisant,” p. 351.

⁵³ In another occasion, an unnamed friend visiting Ibn Ḥazm and wishing to go back to Almería, is forced instead to remain in Jativa because Mujāhid was blocking the coast with his fleet (*Tawq*, chap. XXIV).

⁵⁴ Ibn ‘Idhārī, *Bayān*, p. 144.

⁵⁵ Ibn ‘Idhārī, *Bayān*, p. 116.

al-Mustakfi's cousin and *walī l-ʿahd*.⁵⁶ After many fruitless peregrinations, Abū ʿĀmir died in the castle of a certain Abū Hamāma Hirza al-Yasdarānī, possibly a Berber client of his,⁵⁷ near Cordoba, in 419/1028 or 421/1030.⁵⁸ At about the same time, in 419, Khayrān also died of an illness, a fact that may account for the unsuccessful outcome of Abū ʿĀmir's last mission to Jativa, and also, one might guess, for the green light given to Hishām's transfer to Cordoba.⁵⁹

THE CALIPHATE OF HISHĀM III AL-MUʿTADD⁶⁰

I have mentioned earlier Ibn Ḥayyān's profound and somewhat puzzling loathing of Ibn Ḥazm.⁶¹ Himself a descendant of Andalusī *muwalladūn*, Ibn Ḥayyān deeply resents Ibn Ḥazm's *intimāʿ*, that is, his claim of being of Persian origin, a pretense he deems unfounded.⁶² Moreover, Ibn Ḥayyān accuses him of being a botched logician and a mediocre philosopher. As to the first charge, which has been discussed by both early and modern biographers, I would rather side with Ibn Ḥayyān, on various grounds.⁶³

⁵⁶ Ibn Bassām, *Dhakhira*, vol. 1 i, p. 304; Ibn al-Khaṭīb, *Aʿmāl*, p. 136. I don't have any clue about the "crime" (*dhanb*) here alluded. I am not entirely convinced by Rubiera Mata's hypothesis, following Ibn ʿIdhārī, *Bayān*, p. 142, that it could be a "lengua afeminada" (*muʿannath al-lisān*) (was it considered to be a crime?).

⁵⁷ The vocalisation of his name is tentative (Rubiera Mata, "El principe hastiado," has "Haraza al-Yasdrāmī"). The *nisba* could be related to the Banu Yasdūrīn, Zanata Berbers mentioned in Ibn Khaldūn, *Taʾrīkh*, ed. Kh. Shahāda, Beirut 1981/1401, vol. 7, pp. 7–17.

⁵⁸ Ibn Bassām, *Dhakhira*, vol. 1 i, p. 305; Ibn al-Khaṭīb, *Aʿmāl*, p. 194 gives the name of the castle as Ḥiṣn Dāra.

⁵⁹ Ibn Ḥayyān adds that Hishām had to wait in Alcira (*Jazīra Shuqar*), in the territory of Jativa (at the time, under the nominal rule of ʿAbd al-ʿAzīz of Valencia, but depending in fact from Khayrān), before he was allowed to enter Cordoba (Ibn Bassām, *Dhakhira*, vol. 3 i, p. 517).

⁶⁰ On this, see Rosado Llamas, *La dinastía hammudí*, pp. 144–147, giving a full textual documentation of al-Muʿtadd's reign, in the frame of a rather traditional interpretation. I need to add that I quite disagree on many points of her translation of Ibn Ḥayyān's chapter in Ibn Bassām's *Dhakhira*, but then God knows better!

⁶¹ Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 167–171. As to Ibn Ḥazm, he declares his admiration for the historian in a section of the *Faḍl* that cannot be dated later than 410 (I had a slightly different opinion when I wrote "Ibn Ḥayyān, historien du siècle des taifas," *Al-Qanṭara* 20 (1999), p. 109, where more details are given on this matter).

⁶² Al-Ḥumaydi, for one, confirms Ibn Ḥazm's genealogy (*Jadhwa*, # 708); among the modern biographers, Asín Palacios follows a more cautious approach, admitting the possibility that Ibn Ḥazm was, in fact, feigning a Persian descent (*Abenházam*, vol. 1, pp. 17–24).

⁶³ Ibn Ḥazm's actual descent couldn't be a secret, neither for Ibn Ḥayyān nor for the other members of the former caliphal *khidma*. Moreover, the *intimāʿ* was a fairly shared practice in his time, due to both the weakening of the genealogical record after the end

The main reason for Ibn Ḥayyān's hostility, the same that he harbours against Ibn Shuhayd (very much on the same grounds, as it turns out) is, nonetheless, ideological. What is at stake is Ibn Ḥazm's alleged pro-Umayyad bias, "his fervent partisanship for the emirs of the Banū Umayya, the early ones as well as the ones surviving in the Mashriq and in al-Andalus, his faith in the perfect legitimacy of their imamate, his refusal to acknowledge the rights [to the imamate] of whomever owned the same prerequisites among the Qurayshites."⁶⁴ I actually think that at the core of this accusation lie the events of the caliphate of Hishām III al-Mu'tadd, the last of the Marwanid pretenders briefly to reign over Cordoba.

Abū Bakr Hishām b. Muḥammad, the brother of al-Murtaḍā, was proclaimed caliph in 418/1027, while he was still living with Abū 'Abd Allāh Ibn Qāsim al-Fihri (or with the latter's son, Muḥammad)⁶⁵ in Alpuente, where he had sought refuge after his brother's death.⁶⁶ His *bay'a* was orchestrated by the Cordoban political élite, in agreement with the *mawālī* and the larger Amirid faction to whom the Banū Qāsim also belonged.⁶⁷ Al-Mu'tadd remained for two and a half years in Alpuente after his proclamation, then he moved to Cordoba in 420/1029, by the *mawālī*'s assent. It is during this interval that Abū 'Āmir's flight from Cordoba and his last journey to the Sharq have to be dated, more probably between 418 and 419/1028–29, if we accept the death date of 419, given by Ibn Ḥayyān and the *Bayān*.

of the caliphate, and the need to declare one's right to distinction (on the use of genealogy and pseudo-genealogy in al-Andalus for political reasons, see M. Fierro, "Genealogies of Power in al-Andalus. Politics, Religion and Ethnicity during the 2/8–5/11 Centuries," *Annales islamologiques* 42 (2008), pp. 29–56). Also, as David Wasserstein has observed during the debate following my presentation, Ibn Ḥazm's onomastic chain seems too short to allow for a real Persian ancestor, whose conversion and *walā'* should date from around the beginning of the Marwanid dynasty, in 65/685.

⁶⁴ Ibn Bassām, *Dhakhira*, vol. 1 i, p. 169.

⁶⁵ His *laqab* was Nizām al-Dawla (Ibn 'Idhārī, *Bayān*, p. 215; Ibn al-Khaṭīb, *A'māl*, p. 138); he died in 421/1030, and was followed by his son Muhammad Yumn al-Dawla, to whom Ibn Ḥazm dedicates his *Risāla fī faḍl al-Andalus*. Ibn Ḥayyān, followed by al-Ḥumaydī, speaks of Muḥammad as al-Mu'tadd's guest (Ibn Bassām, *Dhakhira*, vol. 3 i, p. 515; al-Ḥumaydī, *Jadhwa*, p. 59). This seems dubious, since Muḥammad succeeded his father after al-Mu'tadd's entrance in Cordoba. Lévi-Provençal indicates 'Abd Allāh as al-Mu'tadd's guest (*Histoire*, vol. 2, p. 338).

⁶⁶ Interestingly Ibn Khaldūn says that before joining the Banū Qāsim in Alpuente, he was living in Lerida with Ibn Hūd, to whom he will go back after the end of his reign (*Tārīkh*, vol. 4, p. 193).

⁶⁷ Ibn 'Idhārī, *Bayān*, pp. 145–146; al-Ḥumaydī, *Jadhwa*, vol. 1, p. 59.

Ibn Ḥayyān's portrayal of al-Mu'tadd's two-year caliphate⁶⁸ is intensely negative, a fact that—as his whole biased historical report—exposes his real agenda. In fact, even this tendentious record contains some revealing information. Al-Mu'tadd enters Cordoba greeted by the viziers, that is, the leading officers of the former Amirid *khidma*, who had paved the way for his rule. The narrative insists on the lack of pomp at his entrance, yet he is preceded by an equipage of seven parade horses from the *mawālī*'s stables. His companion is the infamous Ḥakam b. Sa'īd al-Qazzāz ("the Weaver"),⁶⁹ for whom Ibn Ḥayyān seems to run short of depreciative qualifications. Ḥakam enters the town amidst the Amirid *mawālī* to whose side he evidently belongs. All these details point to al-Mu'tadd's political backers, the *mawālī* and the Cordoban political élite.

Ḥakam b. Sa'īd was the son of a well-known weaver, not the humble artisan portrayed by Ibn Ḥayyān but a wealthy merchant, since he was able to have his son educated together with the children of the Amirid court.⁷⁰ It is probably in his early youth that Ḥakam established close relations with Ibn Shuhayd, who would later become a prominent member of al-Mu'tadd's entourage. As to the latter, Ḥakam met him "as he rose in the frontier (*thaghr*) together with the company he had gathered in Cordoba in his youth." One could speculate about who formed al-Mu'tadd's entourage. Ibn Ḥazm was likely in it, when he was in Alpuente, as was his friend Abū Bakr Ibrāhīm al-Ṭubnī and, most probably, Ibn Shuhayd himself.

At the beginning of al-Mu'tadd's caliphate, everybody rushes to meet him at the official reception, "according to their rank," only to discover that he is a stammerer, to the point that he needs an interpreter to convey his words. The convened poets and literati start at once composing verses, a fact that does not appear to move him at all. At his nomination is present "Muḥammad b. al-Muẓaffar b. Abī 'Āmir, emir of Valencia," whose rank al-Mu'tadd elevates on the spot, naming him his *ḥājib*⁷¹ and praising his ancestors. The mention here of Abū 'Āmir is somewhat of a

⁶⁸ Ibn Bassām, *Dhakhira*, vol. 3 i, pp. 515–529.

⁶⁹ His name is given as Abū l-'Āsī Ḥakam b. Sa'īd b. Ḥakam al-Qaysī in al-Ḥumaydī, *Jadhwa*, vol. 1, p. 246, who mentions a *madh* dedicated to him by Abū Bakr Ibrāhīm al-Ṭubnī, Ibn Ḥazm's friend.

⁷⁰ Ibn Ḥayyān says disparagingly that "the *fitna* brought him up [or, let him emerge] and he became a companion of its military leaders." The portrait of the rise of Ḥakam b. Sa'īd follows very closely the one relating Abū Ja'far Ibn 'Abbās' ascent to power, see Soravia, "Vie et mort," pp. 196–197.

⁷¹ In Ibn Bassām, *Dhakhira*, vol. 1 i, p. 301, Ibn Shuhayd refers to him as to "the *ḥājib* Abū 'Āmir."

puzzle—I believe that, since the title of “amīr Balansiyya” appears right before a textual amendment that also ends with “amīr Balansiyya,” this specification has been wrongly repeated and attributed to Muḥammad, while it belongs in fact to ‘Abd al-‘Azīz Ibn Abī ‘Āmir, the actual emir of Valencia at the time, who is mentioned in the amendment as giving his *bay‘a* to al-Mu‘tadd.⁷² Nonetheless, one cannot but wonder how Abū ‘Āmir Muḥammad, whom the same Ibn Ḥayyān considers to be dead by 419, could be present at al-Mu‘tadd’s *bay‘a* in Cordoba in 420/1029. Here, too, I tend to think that the whole description has to refer not to the final *bay‘a* in Cordoba, but to the early one in Alpuente, on 24 Rabi‘ II 418/3 June 1027,⁷³ as Ibn Bassām is simply seaming together what Ibn Ḥayyān has said about the whole affair, regardless of the chronology. It is plausible that the two Amirid heirs were, at the time, competing for al-Mu‘tadd’s recognition and that it was Abū ‘Āmir who gained the sought-after title of *ḥājib*. After a while, his relations with al-Mu‘tadd soured and, before the latter would install himself in Cordoba, Abū ‘Āmir resolved to leave the capital.

The history of al-Mu‘tadd’s caliphate is muddled by Ibn Ḥayyān’s violent prejudice against him. Actually, as even Lévi-Provençal was bound to admit, the new caliph and his vizier were able to navigate the perilous sea of Cordoban politics for two years. From what one can gather from Ibn Ḥayyān’s narrative, al-Mu‘tadd actually tried to win new allies among the religious establishment of Cordoba, very much as his cousin al-Mustakfi had done before him,⁷⁴ using both carrots and sticks. Besides keeping a *maẓālīm* court, he added to the number of Qur’ān reciters in the Great Mosque, after learning that only Makkī b. Abī Ṭālib and Aḥmad b. Maḥdī were there, and banned the Zāhirite ‘*ulamā*’ from teaching there (see below).⁷⁵ Then he raised the salary of the *shūrā* members, using private money. While this policy could have won him Ibn Ḥayyān’s approval in a different situation, it is now taken as a mark of corruption. The *fuqahā*’ are scorned for seeking the favour of al-Mu‘tadd, accepting his gifts while “the *fuqahā*’ of the past did disagree on the opportunity of accepting rewards from the ruling people,” if these came from illicit taxation. For once, the

⁷² Ibn Bassām, *Dhakhira*, vol. 3 i, p. 516.

⁷³ Ibn ‘Idhārī, *Bayān*, p. 145. An alternative date is given by al-Ḥumaydī as Rabi‘ I, 418 (al-Ḥumaydī, *Jadhwa* I, 159). See on this Rosado Llamas, *La dinastia hammudī*, p. 144.

⁷⁴ Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 435–436.

⁷⁵ Ibn Ḥazm *ECA*, p. 396, quoting E. García Gómez.

populace, which the historian usually depicts as a brainless and gullible lot, has it right, and is praised for hating al-Muʿtadd.

Al-Muʿtadd and Ḥakam also look for ways to sustain themselves. In their search, they confiscate the money, jewels and properties that Abū ʿĀmir Ibn al-Muẓaffar had left after him as a trust,⁷⁶ as they had done already with Ibn Dhakwān's son. Then al-Muʿtadd sells part of Abū ʿĀmir's riches to the Cordoban wealthy and to the merchants for the same price that had been set for the lead and iron extracted from the ruins of the caliphal palace. In his quest for ways of financing himself, he does not hesitate to ask for inherited money, for *awqāf* wealth and so on, his main ally in this effort being a certain Ibn al-Jayyār (or Jiyār), "a rebel from among those who pretend to practice *fiqh*" (*māridun min al-mutaḥaqqihīn*). He is a former servant of the Hammudid state, relieved from disgrace by al-Muʿtadd, to the point that he becomes a close friend and a supporter of Ḥakam. I would suggest that this otherwise unknown individual could actually be Masʿūd b. Sulaymān Ibn Muflit Abū l-Khiyār (or Ibn al-Khiyār) of Santarem,⁷⁷ the Ṣāḥirite master of Ibn Ḥazm, the same whom the Malikite establishment tried to ban from the Mosque, with the initial support expressed by al-Muʿtadd "from the frontier," that is, when he had not yet established himself caliph in Cordoba. At the time of these events, according to García Gómez, Ibn Ḥazm was in Cordoba, studying under Abū l-Khiyār's direction.

When the Cordoban elite starts to manifest its disappointment, al-Muʿtadd has "his vizier" Ibn Shuhayd writing a harsh letter against them, which the author himself reads aloud to the court, before having it read in the Great Mosque to the general population. At the same time, Ibn Shuhayd composes a *qaṣida* whereby he incites al-Muʿtadd "to shed Muslim blood," of which a few rather conventional lines are quoted by Ibn Bassām. This happens after the murder of the vizier ʿAbd al-Raḥmān Ibn al-Ḥannāt,⁷⁸ apparently a victim of al-Muʿtadd, an affair that was so well known that Ibn Ḥayyān does not deem it interesting to say more.

⁷⁶ Ibn Bassām, *Dhakhira*, vol. 1 i, p. 305; vol. 3 i, p. 519.

⁷⁷ Al-Ḥumaydi, *Jadhwa*, # 814; Asín Palacios, *Abenházam*, vol. 1, pp. 136ff. and *ad indicem*; Ibn Bashkuwāl, *Šila*, ed. al-Ḥusayni, Cairo 1955, vol. 2, # 1352; Ávila, *Sociedad*, # 611. In *Ibn Ḥazm ECA*, pp. 396–397, the writing of his name oscillates between Abū l-Khiyār and Ibn al-Khiyār.

⁷⁸ He was possibly related to the quite well-known Cordoban poet Muhammad b. Sulaymān Ibn al-Ḥannāt, whose enmity against Ibn Shuhayd is cited by Ibn Ḥayyān (see on him Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 437–453).

The final months of al-Mu‘tadd’s caliphate witness a deep economic crisis, whereby the markets are stagnant and deserted. The people of Cordoba start to resent his rule as well, as they accuse Ḥakam of their situation. The vizier retreats to the caliphal palace, where he writes a long letter to the city council (*al-jamā‘a*) presenting his excuses, while at the same time he prods Hishām against Abū l-Ḥazm Ibn Jahwar, trying to put the latter down, but to no avail. It is, presumably, Ibn Jahwar himself who stages the coup that will put an end to al-Mu‘tadd’s caliphate. His agent is a young and inept Umayyad pretender, Umayya b. ‘Abd al-Raḥmān al-‘Irāqī, who, at the head of a small army, kills Ḥakam, then takes the caliphal palace. When he also tries to propose himself as the new caliph, Ibn Jahwar, together with the other viziers, proclaim “the abolition of the caliphate for lack of a proper way [of filling the high office]” (*ibṭāl al-khilāfa li-‘adam al-shākila*). As to Hishām b. Muḥammad, he is taken to the fortress of Benajarafe, in the Sierra of Cordoba, then—after an attack by the people of Cordoba— he escapes to the Northern frontier, where he finds shelter with Sulaymān Ibn Hūd of Lerida, himself a former Amirid *mawlā*, ending his days there in 427/1035.⁷⁹

IBN ḤAZM AND IBN ḤAYYĀN

Ibn Ḥayyān represents the caliphate of al-Mu‘tadd as a violation and a reversal of the natural order.⁸⁰ Hishām is an old man when he is designated, the oldest among the caliphs of his dynasty; nonetheless he indulges in pleasures more apt for a young man. His aide Ḥakam rises to the top of the vizierate without having any of the “natural” prerequisites for getting there, neither the birth nor the *qidam*, that is, a record of service to the caliphal house. He profits from Hishām’s ineptitude and old age to take control of what power is left, becoming the chief of the army without having any qualification for this. He is a self-made man, a son of the *fitna*, “moving himself from weaving to the highest top of the vizieral power.” From this high point, “he acted unjustly toward the free and the noble, belittling the worthiest men, mistreating and oppressing the old families

⁷⁹ Al-Ḥumaydī, *Jadhwa*, vol. 1, p. 61. These interesting bits of information (who were “los cordobeses” who attack the fortress of Benajarafe?) are added by Rosado Llamas, *La dinastía hammudí*, p. 146, quoting the *Historia Arabum* by R. Jiménez de Rada (ed. J. Lozano Sánchez, Sevilla 1993, p. 64f.).

⁸⁰ There is a strong parallel between the report on al-Mu‘tadd’s caliphate and the one on al-Mustakfī’s (Ibn Bassām, *Dhakhīra*, vol. 1 i, pp. 433–437).

(*ulūw al-buyūtāt*),” that is, the traditional holders of the highest functions in the Marwanid caliphate, while, at the same time, assigning the best positions to his protégés, who are as corrupt and inept as he is.

All who took part in this episode deserve Ibn Ḥayyān’s lasting opprobrium. Ibn Shuhayd is equally blamed for being Ḥakam b. Saʿīd’s companion (*ṣāhib* [...] *Abī l-ʿĀṣī al-Ḥāʾik*)⁸¹ and al-Muʿtadd’s accomplice. In the *faṣl* on him in the *Dhakhīra*, besides the unavoidable praise of his extraordinary literary talent, the historian shames him for being “one of those men who fall prey to futility and who disregard, in its pursuit, the damage they inflict to religion and honour.”⁸² As to Ibn Ḥazm, his name does not come up in Ibn Ḥayyān’s report on the last days of the caliphate. We know, nonetheless, that he was close to the kings of Alpuente, both ʿAbd Allāh and his son Muḥammad; to the latter, as already indicated, he dedicated the *Risāla fī faḍl al-Andalus*, possibly on his rise to power. In these same years, as has already been remarked, Hishām was staying in Alpuente as well, keeping his court there. It was during one of his *majālīs al-khilāfa*, in Alpuente or later in Cordoba, that Ibn Ḥazm improvised a *qaṣīda* replying to the poem that had been sent by the Byzantine emperor Nicephorus Phocas to the Abbasid al-Muʿtī, after a string of Christian conquests of Islamic lands.⁸³ According to García Gómez, Ibn Ḥazm moved to Cordoba in the years 419–20/1028–29, in order to study with the above-mentioned Abū l-Khiyār, but also following, once again, the usual migration of the Amirid *ikhwān* toward the new power. According to Yāqūt, quoting Ṣāʿid al-Andalusī,⁸⁴ Ibn Ḥazm became al-Muʿtadd’s vizier before quitting political life for good, and this information, though isolated, seems highly believable.

Even stronger evidence of their association, hardly noticed by any of Ibn Ḥazm’s biographers, is given in chap. XXI of the *Tawq, Fi l-hajr* (“About the lovers’ parting”). This moving and passionate text—one of the finest of the whole treatise—also contains the longest reference to Abū ʿĀmir, here portrayed as the most volatile and inconstant lover, one whose unsurpassed charm and beauty proved fatal for many of his victims. At the

⁸¹ Given Ibn Ḥayyān’s boundless hostility against Ḥakam b. Saʿīd, I tend to see a defaming intention in the use of this *kunyā*, that reads as “the Weaver, Father of the Rebel.”

⁸² Ibn Bassām, *Dhakhīra*, vol. 1 i, p. 193.

⁸³ *Ibn Ḥazm ECA*, p. 442.

⁸⁴ *Muʿjam al-udabāʾ*, ed. I. ʿAbbās, Beirut 1993, vol. 4, p. 1651. Yāqūt’s quotation derives from the *Kitāb akhbār al-ḥukamāʾ* that seems to be a fuller redaction of the *Ṭabaqāt al-umam*. While the latter work only says that Ibn Ḥazm was vizier of al-Mustaẓhir, the *Akhbār* add that he was also vizier of Hishām, who is clearly identified by his whole name.

end of the chapter, Ibn Ḥazm quotes a few passages from a *qaṣīda* of his that he presents as “a panegyric which I have composed in honour of Abū Bakr Hishām b. Muḥammad, the brother of the Caliph ‘Abd al-Rahmān al-Murtaḍā.” To this ode belong the following lines:

Does not the soul that in us lies
comprise things near and far,
in the diaphragm of the breast?

So our time is like a body, and he
is like the soul, all encompassing:
if you want, here is your final halt.

The aim of this convoluted simile appears to be the celebration of Hishām’s claim to caliphate: while still hiding in Alpuente, he, like the soul in the breast, knows and controls everything from afar. And, since the root meaning of *hajr* also contains the notion of *hijra*, the theme of the lovers’ parting in the *nasīb* gives way to an allusion to the Hegira of Hishām, from the troubled capital to the safe haven of Alpuente: “Do not despair, my soul, that our time/ may return with a propitious face, not with an adverse one./ For the All-Merciful has given the Umayyad rule/ back to them, so you have to hide, waiting/ gracefully and patiently.”

That the *Ṭawq* may also have, among other aims, a political agenda is hardly implausible, if we consider that other post-Amirid *kuttāb udabā’* were using the *risāla* genre as a vehicle for highly personal and political statements.⁸⁵ And, since the central issue was, at the time, the contest for what was left of the Umayyad caliphate of Cordoba, it is no wonder that many contemporary *rasā’il* may have hinted at this. If the ones written in the modes of *munāẓara* and *tafdīl* carry a relatively simple subtext, a more peculiar *risāla* like the *Ṭawq* may tackle different issues at a time. I believe that, among them, one can read also an elaborate self-apology of Ibn Ḥazm’s personal choices, a defense of his friends (and, possibly, a plea for Abū ‘Āmir’s posthumous pardon) and the confirmation of his affiliation with the Amirid *mawālī*’s side.

Coming back to Ibn Ḥayyān’s animosity against Ibn Ḥazm, I believe that its reason may also reside in their opposite judgement of the role held

⁸⁵ For example, the *rasā’il* by Ibn Shuhayd, Abū l-Walid al-Ḥimyarī and Ibn Burd al-Aṣghar. On the political use of the *risāla*, see W. Heinrichs, “Rose versus Narcissus. Observations on an Arabic Literary Debate,” *Dispute Poems and Dialogues in the Ancient and Medieval Near East*, ed. G.J. Reinink and H.L.J. Vanstiphout, Louvain 1991, pp. 179–198; also, on its autobiographical use, A. Arazi and H. Ben-Shammai, *Risāla*, in *Encyclopaedia of Islam*, s.v.

by Ibn Jahwar, the powerful former Amirid vizier, in the events leading to the final abolition of the caliphate in Cordoba. Abū l-Ḥazm Ibn Jahwar was, in fact, the instigator of Hishām al-Mu‘tadd’s nomination as caliph, a fact that Ibn Ḥayyān, his most devoted hagiographer, is willing to omit. Al-Ḥumaydī, however, offers a clear-cut confirmation of this in his *Jadhwa*, where he says, following Ibn Ḥazm, that “when in Cordoba the claim to the caliphate of Yahyā b. ‘Alī al-Fāṭimī [i.e., Ibn Ḥammūd] came to an end [...] the people of Cordoba agreed to return the power to the Banū Umayya. Their leading man in this endeavour, the one who directed most of it and strove for its achievement, was the vizier Abū l-Ḥazm Jahwar [...] b. Abī ‘Abda.”⁸⁶ Abū l-Ḥazm exchanged a few letters with the *mawālī*, who agreed “after a long while” to present Hishām as their candidate.

We can thus surmise, by reading through the lines of Ibn Ḥayyān’s account, that it was the conflict for power between Ibn Jahwar, the senior vizier and a candidate for *hijāba*, and Ḥakam b. Sa‘īd, that pitted the former against al-Mu‘tadd, to the point of conspiring against him and forcing the end of his power. Ibn Ḥayyān is clearly on Ibn Jahwar’s side, consciously altering the historical record about the latter’s participation in the events. As to Ibn Ḥazm, he leaves in his *Jamhara* a strongly negative assessment of Ibn Jahwar’s achievement, even avoiding naming him by his *kunya*:

a man among his viziers, Jahwar b. Muḥammad, rose against [al-Mu‘tadd] and had him dethroned. He then took hold of the country so that the decadence of al-Andalus was well established and the consensual word of its people (*ijtimā‘ kalāmī* [or: *kalimat*] *ahli-hi*) was lost forever.⁸⁷

In the light of this remark, Ibn Ḥayyān’s allegation becomes clearer, if not completely. Ibn Ḥazm’s siding with anyone Umayyad, to the very last pretender, is presented as matter of obstinacy on his part, a stubborn and unreasonable affirmation of his faith in a dynasty forever gone, at a time when the ideology that supported his stance had lost its grip and Ibn Ḥayyān’s patron had committed himself to an altogether different conception of power and government.

⁸⁶ Al-Ḥumaydī, *Jadhwa*, vol. 1, p. 59. The historical introduction to the *Jadhwa* was provided by Ibn Ḥazm himself.

⁸⁷ Ibn Ḥazm, *Jamharat ansāb al-‘arab*, p. 93.

THE END OF THE MAWĀLĪ'S RULE AND THE
RADD AGAINST IBN NAGHRILA

The years 419–20/1028–29 mark a crucial shift in Ibn Ḥazm's biography, as well as in the history and politics of al-Andalus. The competition for the caliphal title inspired by the *mawālī*'s strategy comes to an end, because of the weakening of the allegiance ties in the Amirid group, after the deaths of Khayrān, Mundhir b. Yaḥyā and Abū 'Āmir Muḥammad. On the other hand, some of the younger leaders of the Amirid faction, such as Ibn Hūd of Lerida, who can count on a surer power base, have started establishing independent states of their own,⁸⁸ freeing themselves from the *mawālī*'s leadership. Moreover, new actors, such as the Zirid masters of Granada, enter the scene in the Sharq al-Andalus. Thus, what I have called the *mawālī*'s "grand plan"—to have a legitimate caliph of their choice in Cordoba while retaining control of the state as an hegemonic group—is rapidly dismissed and the Amirid *milieu* disbanded in a few years. As to Ibn Ḥazm, the end of al-Mu'tadd's caliphate completes his transformation, from being an *adīb* deeply committed to his time to becoming the *faqīh* and *ʿālim* we know. Whereas the *Ṭawq* appears to have been written, at least in part, around 418/1027,⁸⁹ and the *Risāla fī faḍl al-Andalus* at an earlier date (though probably sealed much later),⁹⁰ the *Faṣl* would seem to date from about 420/1029,⁹¹ thus closing Ibn Ḥazm's career in *adab* proper,⁹² but not his relation with the Amirid *mawālī*.

Ibn Ḥazm remains, in fact, in the Sharq al-Andalus after this date, in the *ṭā'ifa* of Almería ruled by Zuhayr—Khayrān's companion and successor—and by the vizier Abū Ja'far Ibn 'Abbās. The latter was the son of an Amirid *kātib* and a *kātib* himself, brought up in the Amirid court *milieu*

⁸⁸ See, on the lofty and somewhat confused ambitions of this former Amirid officer, M. Elhadri, "Sur le monnayage du premier Hūdide Sulaymān al-Musta'in," *Al-Qanṭara* 27 (2006), pp. 447–456.

⁸⁹ This is also the opinion of Iḥsān 'Abbās, quoted in *Ibn Ḥazm ECA*, p. 437. I will mention a few clues that I have discussed in these pages: Abū 'Āmir has just left, maybe forever—his name always comes with a *raḥimahu Allāh*—but his memory is still lively and affectionate; Khayrān (who died in 419 AH) is alive, Hishām has not yet been proclaimed but, as the panegyric shows, he is close to be chosen as the next caliph. One has to admit, nonetheless, that the chronology is not always consistent and that the text seems to have different layers.

⁹⁰ The text contains a few chronological indications pointing to a date earlier than 415, that is, slightly before the period when Ibn Ḥazm was living at the court of Alpuente.

⁹¹ Turki, "L'engagement," p. 223.

⁹² See, for instance, his sanctimonious reply to Ibn Shuhayd's farewell poem, in Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 329–330.

and close to the Amirid *ikhwān*.⁹³ He probably is the instigator of Ibn Ḥazm's last stint with Andalusī political strife, as he may have enrolled him, together with other Amirid *ikhwān*, in the ideological war he was waging against the *ṭā'ifa* of Granada and its Zirid masters. The target of Ibn Ḥazm's intervention was to be Ibn Naghrīla, an old acquaintance of his⁹⁴ and now the powerful vizier of Bādīs b. Ḥabūs Ibn Zīrī, the king of Granada, despite being a Jew. In writing the famed *Radd* against him, Ibn Ḥazm was following the strong anti-judaic bias that was current in the Amirid élite of earlier times, as I have mentioned in the beginning of this essay and, more in detail, elsewhere.⁹⁵

The conflict between Almería and Granada escalates until the armies of the two *ṭā'ifas* clash in the field of Al-Funt/Deifontes, near Granada, in 429/1038. Zuhayr's army is made up for the most part by Amirid *mawālī*; it includes also a "quill detachment (*ḥamalāt al-aqlām*)," staffed by the *kuttāb* of his *khidma*. Among them, Ibn Ḥayyān names Ibn Ḥazm and Ibn al-Bājī—who are to be identified, respectively, with Abū l-Mughīra Ibn Ḥazm and Abū 'Amr Ibn al-Bājī, the two prominent *ikhwān* and Ibn Ḥazm's close friends.⁹⁶ The battle, ending with a resounding victory for the king of Granada, marks the final act of the Amirid *mawālī*'s hegemony in the Sharq al-Andalus. Zuhayr and many others among the *mawālī* are killed in the battle field. Abū l-Mughīra Ibn Ḥazm and Ibn al-Bājī are captured, together with Ibn 'Abbās, who is eventually put to death, while all the other *kuttāb* are released. Almería is given to the inept Amirid heir 'Abd al-'Azīz, ruler of Valencia, who charges his brother-in-law, Ma'n Ibn Ṣumādīh, of ruling on his behalf. The latter will declare his independence in 433/1042, with the consent of the Zirid king, taking Almería under Granada's influence.

After Deifontes, in 430/1039, Ibn Ḥazm moves to Denia, where he joins Mujāhid, who, since the death of Khayrān, has attempted again to propose himself as the new leader of the Amirid *mawālī*,⁹⁷ only to see his effort frustrated by the rise of the Zirid power. In the following years,

⁹³ On him, see the references indicated in note 26.

⁹⁴ *Ibn Ḥazm ECA*, p. 394.

⁹⁵ The same hypothesis has been advanced by *Ibn Ḥazm ECA*: 398. In his *dīwān*, Ibn Naghrīla accuses Ibn 'Abbās of circulating pamphlets against him, see Soravia, "Vie et mort," p. 202.

⁹⁶ *Ibn Ḥazm ECA*, 398, where they are mistaken for, respectively, 'Alī Ibn Ḥazm himself and the *faqīh* Abū l-Walīd al-Bājī.

⁹⁷ Cf. Rubiera Mata, *Taifa de Denia*, pp. 83–88.

Ibn Ḥazm will shuttle between the two *ṭāʾīfas* of Denia and Almería,⁹⁸ never completely cutting the thread that tied him to his Amirid past, to the very last years of his life.

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⁹⁸ He dedicates a *risāla* to Maʿn Ibn Ṣumādīḥ (*Al-Risāla al-Ṣumādīhiyya fī l-waʿd wa l-waʿd*, # 112 of the list in *Ibn Ḥazm ECA*, p. 433), probably in the same years when his friend Ibn Burd was also dedicating a *risāla* to the same ruler (*Sirr al-adab wa sibk al-dhahab*, see Ibn Bassām, *Dhakhira*, vol. 1 i, pp. 487ff. and esp. 489). After 440, the two will meet in Almería (al-Ḥumaydī, *Jadhwa*, # 192).

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IBN ḤAZM AND THE TERRITORY OF HUELVA: PERSONAL AND FAMILY RELATIONSHIPS

Alejandro García-Sanjuán

INTRODUCTION

The monumental study *Abenházam de Córdoba y su historia crítica de las ideas religiosas*, by M. Asín Palacios, opens with an extensive biography in which the key features of the great Cordoban *‘ālim*’s life and work are presented.¹ In this brief article I aim at vindicating the figure of this Spanish Arabist, an unavoidable reference in the study of Ibn Ḥazm. The topics on which the paper centres—the work of Ibn Ḥazm² and the configuration of the region surrounding Huelva³—are familiar to me, as I have worked on them in the past, and on the latter in particular. In contrast with previous publications, the approach adopted in this work focuses mainly on historical characters rather than on territorial analysis.

Although Ibn Ḥazm was born and lived in Córdoba until he was eighteen years old, the territory of Huelva was of paramount importance in his life.⁴ His family originated from there, and there he was also to spend his final years, die and be buried. Although some of his works mention the region of Huelva, his family and personal relationship with it, it does not appear to have been extensively referred to. In his genealogical treatise

¹ Miguel Asín Palacios, *Abenházam de Córdoba y su historia crítica de las ideas religiosas* 1–5, Madrid 1927–32 [repr. 1984]. See a more recent biographical and intellectual study on Ibn Ḥazm in Puerta Vilchez 2004.

² Alejandro García-Sanjuán, “Violencia contra los judíos: el pogromo de Granada de 459 H/1066,” *De muerte violenta. Política, religión y violencia en al-Andalus. Estudios Onomástico-Biográficos de al-Andalus*, ed. Maribel Fierro, XIV, Madrid 2004, pp. 167–206.

³ Alejandro García-Sanjuán, *La Huelva islámica. Una ciudad del Occidente de al-Andalus (siglos VIII–XIII)*, Seville 2002, and idem, *Evolución histórica y poblamiento del territorio onubense durante la época andalusí (siglos VIII–XIII)*, Huelva 2003.

⁴ The dominant role that the city of Huelva currently plays in its homonymous province dates only from the early 19th century; the province includes Niebla, approximately 18 miles to the NW, nowadays a small rural settlement. In the Middle Ages, however, it was the other way around: Labla (Niebla) was an urban centre with first class administrative rank (*kūra*), upon which the smaller and less important Huelva (*Ūnba/Wilba*) depended. This explains the fact that Niebla still possesses the most impressive Islamic architectural heritage in the province, in particular its city wall, while no monumental remains are preserved in Huelva.

Jamharat ansāb al-ʿarab, for example, he mentions the settlement of Niebla (Labla) and at least five Arabic lineages⁵ without actually alluding to his own family, perhaps because—as we shall see below—they were attributed a Persian origin. *Ṭawq al-ḥamāma*, a largely autobiographical work, and *Kitāb al-Akhlāq wal-siyar*, written at the end of his life, most likely during his retirement at the family manor in Huelva, similarly lack any mention of his relationship with the region. Thus the sources for the relationship between Ibn Ḥazm and Huelva do not reside in his own work, but in chronicles and geographical, literary and encyclopaedic sources which are sometimes contemporary with the Cordoban scholar and were sometimes written by later Andalusī, Maghribī and Middle Eastern authors.

THE HISTORICAL SOURCES

There are three main sources for the study of Ibn Ḥazm's relationship with his ancestral region. Two of them are Andalusī authors, contemporary with the great Cordoban *ʿālim*: Ibn Ḥayyān and Ṣāʿid al-Andalusī. The third author, Yāqūt al-Ḥamawī, lived in the Middle East and at a later date but, as we shall see, the information provided is nevertheless as significant. We must remember that the information given by Ṣāʿid and Yāqūt can, preliminarily, be considered as coming from Ibn Ḥazm himself through a process of transmission that we shall be analysing.

The first of our sources is *Kitāb Ṭabaqāt al-umam*, written by Ṣāʿid al-Andalusī around 460/1067–68, as explicitly mentioned in the text;⁶ that is, two years before the author's death in 462/1069–70. The importance of Ṣāʿid's work regarding Ibn Ḥazm's biography is twofold: it is due both to the sources his information comes from and to the influence exerted on later sources. Ibn Bashkuwāl, the main biographer of Ṣāʿid, claims that

⁵ Ibn Ḥazm, *Jamharat ansāb al-ʿarab*, ed. ʿAbd al-Salām Muḥammad Hārūn, Cairo 1962, pp. 105, 272, 321, 327, 435 and 455; Spanish trans. Elías Terés Sádaba, "Linajes árabes en al-Andalus según la Gamhara de Ibn Ḥazm," *Al-Andalus* 22 (1957), pp. 83, 103, 109, 110, 361 and 366.

⁶ Ṣāʿid al-Andalusī, *Kitāb Ṭabaqāt al-umam*, ed. L. Cheikho, Beirut 1912, p. 63; French trans. Régis Blachère, *Kitāb tabakāt al-umam Livre des catégories des nations*. Traduction avec notes et indices précédée d'une introduction, Paris 1935, p. 122; Spanish trans. Felipe Maíllo Salgado, *Libro de las categorías de las naciones: Vislumbres desde el Islam clásico sobre la filosofía y la ciencia*. Estudio y traducción, Madrid 1999, p. 120; Spanish trans. E. Llaveró Ruiz, *Historia de la filosofía y de las ciencias o libro de las categorías de las naciones*, Madrid 2000, p. 139.

the latter was Ibn Ḥazm's disciple.⁷ This relationship is confirmed in the *Ṭabaqāt*, where Ṣā'id claims to have received information on Ibn Ḥazm's birthplace and -date directly from him and in writing (*kataba ilayya bi-khaṭṭi yadihi*). Similarly, Ṣā'id says⁸ that Abū Rāfi' al-Faḍl, son of the Cordoban scholar,⁹ provided him with information—apparently in conversation (*akhbaranī*)—about the volume of his father's work. Due to the direct nature of some of these sources, the Toledan *qāḍī*'s work has had a major contribution in fixing a number of facts in Ibn Ḥazm's biography subsequently reproduced by later authors of Andalusī (Ibn Bashkuwāl),¹⁰ Mahgribi ('Abd al-Wāḥid al-Marrākushī)¹¹ and Middle Eastern (Yāqūt al-Ḥamawī and al-Nuwayrī) origins. One of these facts is, as we shall see, this relationship with the region of Huelva.¹²

On the other hand, Yāqūt al-Ḥamawī (d. 626/1229) provides us with information about Ibn Ḥazm in two of his works: his geographical dictionary (*Muḥjam al-buldān*) and, for the main part, his biographical dictionary

⁷ Khalaf b. 'Abd al-Malik Ibn Bashkuwāl, *Kitāb al-Ṣila fī tārikh al-'immat al-Andalus wa-'ulamā'ihim wa-muḥaddithihim wa-fuqahā'ihim wa-udabā'ihim* 1–2, ed. 'Izzat al-'Aṭṭār al-Ḥusaynī, Cairo 21994, vol. 1, p. 232 n° 539. This was challenged by Blachère, *Livre des catégories des nations*, pp. 7–8, followed by Maíllo Salgado, *Libro de las categorías de las naciones*, p. 11. On the other hand, Asín Palacios, *Abenházam*, vol. 1, pp. 284–285, never questioned Ṣā'id's position as disciple, and even detected a parallelism between his *Ṭabaqāt* and Ibn Ḥazm's *al-Fiṣal*: “if one work is a monumental critical history of religious ideas, the other aims at being a compendium, brief but solid, of each race's contribution to the progress of scientific ideas.”

⁸ Ṣā'id, *Ṭabaqāt*, 76–77; French trans. Blachère, *Livre des catégories des nations*, p. 141; Spanish trans. Maíllo Salgado, *Libro de las categorías de las naciones*, pp. 136–137; Spanish trans. Llaveró Ruiz, *Historia de la filosofía*, pp. 157–158.

⁹ He died in 479/1086, during the battle of Sagradas/al-Zallāqa. For his only biography see Ibn Bashkuwāl, *Ṣila*, vol. 2, 440, n° 997.

¹⁰ In his biography of Ibn Ḥazm, Ibn Bashkuwāl, *Ṣila*, vol. 2, 396, n° 891, reproduces the text that Ṣā'id claimed to have received in writing from Ibn Ḥazm about his birthplace and -date. Ibn Bashkuwāl's version of the text is, as a matter of fact, richer and more complete than the version reproduced in the modern edition of the *Ṭabaqāt* by Ṣā'id.

¹¹ 'Abd al-Wāḥid al-Marrākushī, *al-Muḥib fī talkhīs akhbār al-Maghrib* = *The history of the Almohades, preceded by a sketch of the history of Spain, from the time of the conquest till the reign of Yusuf ibn Tāshifīn, and of the history of the Almoravides*. Now first ed. from a ms. in the library of Leyden by Reinhart P.A. Dozy, Leiden 1847, p. 23; Spanish trans. Ambrosio Huici Miranda, *Kitāb al-Muḥib fī talkhīs akhbār al-Maghrib: Lo admirable en el resumen de las noticias del Magrib, por Abū Muḥammad 'Abd al-Wāḥid al-Marrākushī*. Traducción española, Tetuán 1955, p. 39, who cites al-Ḥumaydī as his source. Regarding the origins of the Banū Ḥazm and their relocation to Cordoba, however, he coincides fully with Ṣā'id and, also following him, claims that the source of Ibn Ḥazm's genealogy is the Cordoban scholar himself “in his own handwriting” (*qurī'a 'alayya nasabuhu hādihā bi-khaṭṭihi 'alā zahr kitāb min taṣānīfihī*).

¹² Ibn Sa'id al-Maghribī, *al-Mughrib fī ḥulā l-Maghrib* 1–2, eds. Zakī Muḥammad Ḥasan, Shawqī Dayf, Sayyida Kāshif, Cairo 1953, vol. 1, pp. 354–357.

(*Muʿjam al-udabāʾ*). In contrast with the previous authors, he was neither of Andalusī origin nor contemporary with Ibn Ḥazm. His relevance does not, however, diminish as a consequence. Indeed, Yāqūt included Ṣāʿid al-Andalusī, whose work is mentioned under the title *Kitāb Akhbār al-ḥukamāʾ*, and Ibn Ḥayyān among his sources.¹³ Moreover, and as already indicated by M. Asín Palacios,¹⁴ this author's main asset rests in the fact that he provides some information directly sourced from Ibn Ḥazm's immediate environment and not offered by earlier scholars. Specifically, Yāqūt refers to Abū Muḥammad ʿAbd Allāh b. Muḥammad b. al-ʿArabī al-Andalusī, identified by M. Asín as the father of the famous Sevillian *qāḍī* Abū Bakr b. al-ʿArabī (468/1076–543/1148). The only biographical reference to Abū Muḥammad b. al-ʿArabī, in Ibn Bashkuwāl's dictionary, does not mention his status as Ibn Ḥazm's disciple.¹⁵ Nevertheless, Yāqūt's text contains several statements that reveal a direct and lengthy personal relationship between Abū Muḥammad b. al-ʿArabī and the Cordoban scholar. In this vein, he claims that Ibn Ḥazm told him (*akhbarani*) that the reason for his dedication to science was an incident that occurred in his sixteenth year, during a funeral. Similarly, he claims to have followed (*ṣahabtu*) Ibn Ḥazm for seven years, during which he learnt almost all of his works from him. I shall mention this text again below, and reproduce it in full. The information provided by Ibn al-ʿArabī did not reach Yāqūt directly, but "in writing" (*qaraʿtu bi-khaṭṭ*) from another individual, Abū Bakr Muḥammad

¹³ Yāqūt al-Ḥamawī, *Muʿjam al-udabāʾ* 1–7, ed. Iḥsān ʿAbbās, Beirut 1993, vol. 4, pp. 1650 and 1654–1655.

¹⁴ Asín Palacios, *Abenḥázam*, vol. 1, p. 16.

¹⁵ Some arguments favour the identification suggested by Asín Palacios, beginning with the onomastics, on which the Yāqūt and Ibn Bashkuwāl versions agree: *Šila*, vol. 1, p. 278, n° 634 (ʿAbd Allāh b. Muḥammad b. Aḥmad b. al-ʿArabī al-Maʿāfirī). Another fact in favour of the identification is the trip taken by Abū Muḥammad and his son Abū Bakr to the Middle East from 1092, during which they visited the main cultural centres in the region (Cairo, Jerusalem, Damascus, and Baghdad) and the holy cities of Medina and Mecca. Abū Muḥammad died in Egypt during the trip, in 493/1099. According to Asín Palacios, *Abenḥázam*, vol. 1, pp. 297–298, this trip to the east would have allowed him to transmit information about his master Ibn Ḥazm to the famous al-Ghazālī (d. 505/1111), who mentions the Cordoban scholar in terms of praise in his work *al-Maṣṣad al-asnā sharḥ asmāʾ Allāh al-ḥusnā*. In opposition, the main argument against the identification of the characters mentioned by Yāqūt and Ibn Bashkuwāl is the fact that the latter does not include Ibn Ḥazm among his mentors. For Abū Muḥammad b. al-ʿArabī's trip to the east accompanied by his son Abū Bakr, see P. Cano Ávila, A. García-Sanjuán and ʿA. Tawfiq, "Ibn al-ʿArabī al-Maʿāfirī, Abū Bakr," *Biblioteca de Al-Andalus I (De Ibn Aḍḥā a Ibn Buṣṣā)*, eds. J. Lirola Delgado and J.M. Puerta Vilchez, Almería 2009, pp. 129–138.

b. Ṭarkhān b. Yaltakīn b. Bajkam,¹⁶ the identification of whom has proven impossible.

The third author to be considered is Ibn Ḥayyān, whose text on Ibn Ḥazm was included in his lost chronicle *al-Matīn*. Therefore, only uncertain versions recorded in later works have been preserved, such as the literary anthologies by Ibn Bassām (d. 542/1147–48) and Ibn Saʿīd al-Maghribī (d. 685/1286–87) and the biographical dictionaries by Yāqūt al-Ḥamawī and Ibn al-Khaṭīb (d. 776/1374).¹⁷ Ibn Ḥayyān does not mention his sources, direct or otherwise, on Ibn Ḥazm. The information provided is, however, of enormous interest, because he offers details altogether absent from other sources.

THE BANŪ ḤAZM: A FAMILY ORIGINATING IN HUELVA AND LATER EXALTED IN CORDOBA

All sources agree in highlighting the links between the Banū Ḥazm and the region of Huelva,¹⁸ although some textual differences, which will be analysed presently, do exist. Similarly, all authors agree on placing the family's rural origins in a small settlement near the city of Huelva.

The first of these sources is Ṣāʿid, who confirms that Ibn Ḥazm's ancestors (*aṣl ābā'ihi*) came from the Huelva region, moving to Cordoba at a later date (*sakana huwa wa-ābā'uḥu Qurṭuba*). There the family was to gain a prominent social position (*jāh 'arīd*) due to his father's—Abū 'Amr Aḥmad b. Saʿīd b. Ḥazm—political career. He participated in al-Manṣūr's government and, after al-Manṣūr's death, that of his son al-Muẓaffar, acting as minister (*wazīr*) for both.¹⁹ The precise moment of his death is

¹⁶ Yāqūt al-Ḥamawī, *Muʿjam al-udabā'*, vol. 4, pp. 1652–1653.

¹⁷ Ibn Bassām al-Shantarīnī, 'Alī, *al-Dhakhira fī maḥāsīn ahl al-Jazīra* 1–4, ed. Ihsān 'Abbās, Beirut 2000, vol. 1, pp. 136–137; Ibn Saʿīd al-Maghribī, *al-Mughrib*, vol. 1, pp. 354–357; Yāqūt al-Ḥamawī, *Muʿjam al-udabā'*, vol. 4, pp. 1654–1657; Ibn al-Khaṭīb, *al-Iḥāta fī akhbār Garnāṭa* 1–4, ed. Muḥammad 'Abd Allāh 'Inān, Cairo 1973–77, vol. 4, pp. 111–115.

¹⁸ The only exception is Muḥammad b. Fattūḥ al-Ḥumaydī, *Jadhwat al-muqtabis fī dhikr wulāt al-Andalus wa-asmā' ruwāt al-ḥadīth wa-ahl al-fiqh wa-l-adab*, ed. Muḥammad b. Tāwīt al-Tanjī, Cairo 1371/1952, p. 292, n° 708, who merely points out their alleged Persian genealogy.

¹⁹ Ṣāʿid, *Ṭabaqāt*, pp. 75–76; French trans. Blachère, *Livre des catégories des nations*, p. 140; Spanish trans. Maíllo Salgado, *Libro de las categorías de las naciones*, p. 135; Spanish trans. Llaveró Ruiz, *Historia de la filosofía*, p. 156. For its part, al-Nuwayrī: *Nihāya*, ed. and trans. Mariano Gaspar Remiro, "Historia de España y África por en-Nuquairi," *Revista del Centro de Estudios Históricos de Granada y su Reino*, 6 ii (1916), p. 103 (Spanish translation), 6 iii–iv (1916), p. 248 (Arabic text) cites (without naming) Ṣāʿid, but he does not agree with

mentioned by Yāqūt, relying for this fact on Abū Muḥammad b. al-‘Arabī, who declares that the family had settled in Cordoba two generations before Ibn Ḥazm, during the time of his grandfather Sa‘īd who, having been born in Huelva (Ūnba), relocated to the capital.²⁰

The relationship of the father and grandfather with the Amirid dynasty could be related to the origin of the Banū Ḥazm. Indeed, before his ascent in Cordoba al-Manṣūr served as *qāḍī* in Labla for an unknown period. It is, therefore, not too adventurous to suggest that the links tying the Banū Ḥazm with the caliphal administration and specifically with the Amirids were established during this period. Although by Ibn Ḥazm’s time the family had been settled in Cordoba for two generations, their relationship with their ancestral land was not interrupted, as clarified by Ibn Ḥazm’s biography.

Apart from locating the origin of the Banū Ḥazm in the region around Huelva, the sources agree on the rural nature of their ancestral settlement, though a number of discrepancies as to certain details, for example the category of the settlement or its exact name, remain. Most sources refer to the Banū Ḥazm’s original settlement with the toponym Munt Līsham, always spelt thus with the exception of Yāqūt who, apart from this spelling (used after Ṣā‘id), also offers two more: Mutlijatm²¹ and Mutlījam (after Ibn al-‘Arabī).²² Indeed, toponyms with ‘Munt’ were very common in al-Andalus. There were at least two other settlements similarly named in Labla’s *kūra* alone: al-Munt (perhaps the current ‘Almonte’) and Munt Mayūr (perhaps the current Montemayor, near Moguer).²³

The only source offering a precise location for Ibn Ḥazm’s manor is Yāqūt who, citing Ibn al-‘Arabī, points out that the Munt Līsham’s *qarya* was half a *farsakh* from Huelva,²⁴ equivalent to almost 2 miles.²⁵ Asín Pala-

him, indicating that the grandfather, Sa‘īd, was appointed minister by al-Manṣūr. The position gained by Ibn Ḥazm’s father as minister is mentioned in other Andalusī biographical sources: al-Ḥumaydī, *Jadhwa*, p. 117; Ibn Bashkuwāl, *Ṣīla*, vol. 1, pp. 30–31; al-Ḍabbī, *Bughyat al-multamis fī tārikh rijāl ahl al-Andalus*, eds. F. Codera and J. Ribera, Madrid 1885, p. 156f.

²⁰ Yāqūt, *Mu‘jam al-udabā’*, vol. 4, p. 1652.

²¹ Yāqūt al-Ḥamawī, *Mu‘jam al-buldān* 1–7, ed. Farīd ‘Abd al-‘Azīz al-Jundī, Beirut n.d., vol. 5, p. 63, n° 10.818; Spanish trans Gamal ‘Abd al-Karīm, *La España musulmana en la obra de Yāqūt (s. XII–XIII): Repertorio enciclopédico de ciudades, castillos y lugares de al-Andalus. Extraído del Mu‘jam al-buldān (diccionario de los países)*, [Granada] 1974, p. 277.

²² Yāqūt, *Mu‘jam al-udabā’*, vol. 4, p. 1652.

²³ García-Sanjuán, *Evolución histórica*, p. 262.

²⁴ Yāqūt, *Mu‘jam al-udabā’*, vol. 4, p. 1652.

²⁵ For the value of the *farsakh* for measuring distances see W. Hinz, “*Farsakh*,” *The Encyclopaedia of Islam*. New Edition, vol. 2, p. 812f.

cios identified Munt Līsham's *qarya* with Casa Montija, the name of an old farmhouse²⁶ about three kilometres northeast of Huelva.²⁷ Although the Arabic sources that mention Munt Līsham agree in characterising it as a *qarya*, they differ in the rank the settlement should be granted. Indeed, the sources describe Munt Līsham's *qarya* in two different ways: as a small rural settlement, that is, a hamlet, and as a rural estate or manor house. The first is found in Šā'id's text, and it is particularly interesting because of its description of the *qarya* as a hamlet and the placement of Munt Līsham within a well defined administrative framework; it is mentioned that Munt Līsham belongs to al-Zāwiya's *iqḷīm*, which itself belongs to Huelva's 'amal, in Labla's *kūra*,²⁸ thus describing a three-levelled administrative hierarchy for territorial management (*iqḷīm*, 'amal and *kūra*), the smallest unit of which is the hamlet of Munt Līsham.

The information provided by Šā'id is very similar to that offered by Ibn al-Khaṭīb's biographical profile on Ibn Ḥazm, the main value of which resides in its drawing from two earlier sources dating to the 5th/11th century, *al-Matīn*, by Ibn Ḥayyān and al-Ḥijārī's geographical works, neither of which is preserved. While in Šā'id's text al-Zāwiya is referred to as an *iqḷīm*, al-Ḥijārī claims that it was a *qarya* belonging to the districts of Huelva (*min a'māl Ūnba*) from which the Banū Ḥazm came. The use of the administrative framework for contextualisation suggests that al-Zāwiya's *qarya* was indeed a hamlet. Although Šā'id and al-Ḥijārī disagree on the name of the original settlement, they are in accordance on the rural nature of the ancestral place and in describing it as a hamlet.

The description of Munt Līsham's *qarya* as a rural estate is recorded in two sources. First, without using the toponym Munt Līsham, Ibn Ḥayyān locates Ibn Ḥazm's death in the region of Huelva, specifically in a *turba*

²⁶ Asín Palacios, *Abenházam*, vol. 1, p. 30. Though dating to the 1930s, this identification has been largely ignored by the academic literature, as reflected, for example, in *The Encyclopaedia of Islam*, the standard scholarly work for Islamic studies in the 20th century. Munt Līsham is not even mentioned in the article dedicated to the Banū Ḥazm, authored by Ch. Pellat, and no mention, except by R. Arnáldes, is made of its location. See *The Encyclopaedia of Islam*. New Edition, vol. 3, p. 790.

²⁷ Today it has been refurbished as Hotel Spa Hacienda Montija, next to the A-49 motorway, linking Seville and Huelva.

²⁸ Šā'id, *Ṭabaqāt*, p. 75 (Munt Nāshim, *sic*); French trans. Blachère, *Livre des catégories des nations*, p. 139f., correcting interpretation in Sheikho's first edition; Spanish trans. Maíllo Salgado, *Libro de las categorías de las naciones*, p. 135 (Munt Līshūn, Montíjar); Spanish trans. Llavero Ruiz, *Historia de la filosofía*, p. 156 (Munt Līshan, Montija). Followed by Yāqūt, *Mu'jam al-udabā'*, vol. 4, p. 1651 and 'Abd al-Wahid al-Marrākushī, *Mu'jib*, p. 32; Spanish trans. Huici Miranda, *Kitāb al-Mu'jib*, p. 39, who does not mention the *qarya*'s denomination, merely saying it belonged to Niebla.

in his ancestral land, located in the rural areas of the city of Niebla (*bi-turbat baladihi min bādiyat Labla*).²⁹ The term *turba* is used to refer to a rural estate.

The second author that describes Munt Līsham's *qarya* as a rural estate is the Eastern scholar Yāqūt, who at the same time cites the aforementioned text by Šā'id in which the *qarya* is described as a rural settlement. On mentioning Ibn Ḥazm's death, and following Ibn al-'Arabī, Yāqūt claims that his death took place at "his" *qarya* (*qaryatihi*). He then offers two important facts absent from other sources: first, he locates the *qarya* with precision, saying that it is in western al-Andalus, in the gulf near the Atlantic Ocean; later, after giving the date of his death, he provides another interesting fact by saying that the estate is half a *farsakh* from Huelva. Finally, he adds that the name of the property was Mutlījam and that it had been Ibn Ḥazm's family's property for a long time (*milkuhu wa-milk salafihi min qablihi*).³⁰ Yāqūt further stresses the nature of the *qarya* as a rural property in his geographical dictionary, the use of *milk* and the particle *li* (*qarya bil-Andalus li-Abī Muḥammad Aḥmad b. 'Alī b. Ḥazm*)³¹ highlighting the notion of ownership.

Regardless of whether Munt Līsham was a rural estate or, as seems more likely, a hamlet, the fact is that its rural nature gave the origins of the Banū Ḥazm a very modest profile and a low social relevance incompatible with the rank acquired after their rise in Cordoba. As is often the case in these situations, the family tried to erase such humble origins by constructing a genealogy more in accordance with the category obtained while serving the Amirid administration. Ibn Ḥazm's disciple, al-Ḥumaydī, attributes to his mentor a Persian origin (*aṣluhu min al-furs*); his first Muslim ancestor would be Yazīd, *mawlā* of Yazīd b. Abī Sufyān (d. 19/640), "follower" of Muḥammad and brother of Mu'āwiya, founder of the Umayyad dynasty in Damascus.³² Ibn Ḥayyān would, however, denounce the falsity of this

²⁹ Ibn Bassām, *Dhakhira*, vol. 1, p. 137; Ibn Sa'id al-Maghribī, *al-Mughrib*, vol. 1, p. 355 (with *qarya*, instead of *turba*); Ibn al-Khaṭīb, *Iḥāṭa*, vol. 4, p. 115f.

³⁰ Yāqūt, *Mu'jam al-udabā'*, vol. 4, p. 1652. Followed by Ibn Khallikān, *Wafayāt al-a'yān wa-anbā' abnā' al-zamān* 1–8, ed. Iḥsān 'Abbās, Beirut 1970–80, vol. 3, pp. 328, 330; English trans. MacGuckin de Slane, *Ibn Khallikan's biographical dictionary*. Translated from the Arabic 1–4, Paris 1842–1871, vol. 2, pp. 270 and 271.

³¹ Yāqūt, *Mu'jam al-buldān*, vol. 5, p. 63; 'Abd al-Karīm, *La España musulmana*, pp. 277–278.

³² Al-Ḥumaydī, *Jadhwa*, p. 290. The alleged Persian origins of the Banū Ḥazm are reproduced in later sources: 'Abd al-Wāḥid al-Marrākushī, *Mu'jib*, p. 23; Spanish trans. Huici Miranda, *Kitāb al-Mu'jib*, p. 39; Ibn al-Khaṭīb, *Iḥāṭa*, vol. 1, p. 111; al-Nuwayrī, *Nihāya*, ed. and trans. Gaspar Remiro, "Historia de España," *Revista del Centro de Estudios Históricos de Granada y su Reino*, 6 ii (1916), p. 103 (Spanish translation), 6 iii–iv (1916), p. 248 (Ara-

illustrious genealogy in his *al-Matīn*, claiming it to be but a pretension of the Cordoban scholar, who really belonged to an obscure family from Labla with native origins (*khāmīl al-ubuwwa muwallad al-arūma min 'ajam Labla*), and whose ancestors (*salaf*) lacked any nobility (*nubāha*), his father being in fact the founder of the lineage.³³ As noted by M. Fierro, the Banū Ḥazm claimed a Persian ancestry, not because that was prestigious in itself, but because it allowed them to pretend to be clients of the Umayyads before their arrival in al-Andalus. It would be, then, a manifestation of the *sābiqa* or 'precedence', well attested in the establishment of hierarchies in classical Islamic societies.³⁴

HUELVA, PLACE OF RETIREMENT AND PLACE OF DEATH

Ibn Ḥazm had an eventful life, quite in accordance with the fluctuations of his time, dominated by the volatility of the *ṭā'ifa* Kingdoms. Not merely the political instability but also his hard and quarrelsome character, which gained him enemies and critics, were factors in his decision to abandon politics and public life. It is significant that Ibn Ḥazm decided to retire to his family's ancestral land, the place his grandfather abandoned to go to Cordoba, changing his life so dramatically and so determining his successors' prospects by initiating the political rise of the Banū Ḥazm. By returning to his ancestral place, Ibn Ḥazm declared his will to go back to his origins, to that dark period in which, according to Ibn Ḥayyān, the family lacked any social relevance or public prominence. During his retirement, Ibn Ḥazm left clear evidence of his disregard for public life and political intrigues, focusing on his work and his studies, which was understood as a form of religious piety.

bic text); Ibn Khallikān, *Wafayāt*, vol. 3, p. 325; English trans. de Slane, *Ibn Khallikan's biographical dictionary*, vol. 2, p. 267. Al-Ḥumaydī was a direct disciple of Ibn Ḥazm, and the influence exerted by his mentor is clearly expressed in his citations; Ibn Ḥazm is mentioned in more than two hundred of his nearly one thousand biographies; see Elías Terés Sádaba, "Enseñanzas de Ibn Ḥazm en la *Yadwat al-muqtabis* de al-Ḥumaydī," *Al-Andalus* 29 i (1964), p. 148.

³³ Ibn Bassām, *Dhakhīra*, vol. 1, p. 138; Ibn Sa'īd al-Maghribī, *al-Mughrib*, vol. 1, p. 355; Yāqūt, *Mu'jam al-udabā'*, vol. 4, p. 1656; Ibn al-Khaṭīb, *Ihāṭa*, vol. 4, p. 111. The formula used by Ibn Ḥayyān (*idda'a*) seems to establish beyond doubt that Ibn Ḥazm claimed this illustrious ancestry himself. In his *Morals and Right Conduct*, however, the Cordoban scholar strongly criticises those that set too much store by their genealogy; see Emilio Tórn timer Poveda, *El Libro de los caracteres y las conductas; y Epístola sobre el establecimiento del camino de la salvación de manera abreviada*, Madrid 2007, p. 110f.

³⁴ Maribel Fierro, "El conde Casio, los Banū Qasī y los linajes godos en al-Andalus," *Studia Historica. Historia Medieval* 27 (2009), pp. 181–189.

Ibn Ḥayyan succinctly mentions this final period of Ibn Ḥazm's life,³⁵ clarifying a fundamental fact already highlighted by M. Asín Palacios:³⁶ in his retirement, Ibn Ḥazm exclusively focused on studying, teaching and writing. His vocation was carried out with an unprecedented intensity, because in Huelva he was far from political quarrels and from the controversies with other 'ulamā', allowing him to work full time. His works had driven him into exile, but all the same he pushed forward to continue and complete them, without yielding his opinions as his opponents wished (*ghayr rāji' ilā mā arādū bihi*).

Apart from completing his written work, Ibn Ḥazm consecrated his period of retirement to teaching, although—as indicated by Ibn Ḥayyān—his disciples were particularly young scholars (*min aṣāghir al-ṭalaba*). This is a consequence of Ibn Ḥazm's bad reputation in political and intellectual circles, so his students must have been unprejudiced people oblivious to the critical opinions held on the Cordoban scholar and his work. We know of at least one of his disciples during this period: Abū Muḥammad b. al-'Arabī, father of the famous Sevillian *qāḍī* Abū Bakr b. al-'Arabī, mentioned by Yāqūt as one of his main sources for Ibn Ḥazm. Ibn al-'Arabī's description of his experience alongside the Cordoban master, reproduced in Yāqūt's text, is of paramount importance for the study of Ibn Ḥazm's retirement in Huelva. Therefore, I reproduce it in full as follows, using M. Asín Palacios' translation:³⁷

I followed the master Ibn Ḥazm for seven years, during which time he explained all his works to me, with the exception of the last volume of the *Fīṣal*, a work, the autograph version of which comprised six volumes which we used for study. I left only one sixth of said book unstudied. With him, I also studied four volumes of his work *al-Iṣāl*, during 456/1063–64. Hence, of all his work, I only left without studying the sixth volume of the *Fīṣal* and what was left of *Iṣāl*. Of this book, Ibn Ḥazm had an autograph original in twenty-four volumes, in beautiful writing. Ibn Ḥazm may have written other books when I was not studying with him, that is, outside his hamlet (*fī ghayr baladihi*), during his peregrinations in Eastern al-Andalus. But he gave me license to teach all his books, besides those he explained to me in person.

³⁵ Ibn Bassām, *Dhakhīra*, vol. 1, pp. 137–138; Yāqūt, *Mu'jam al-udabā'*, vol. 4, p. 1655; Ibn al-Khaṭīb, *Ihāṭa*, vol. 4, p. 116.

³⁶ Asín Palacios, *Abenházam*, vol. 1, pp. 232–233.

³⁷ Yāqūt, *Mu'jam al-udabā'*, vol. 4, p. 1653; Spanish trans. Asín Palacios, *Abenházam*, vol. 1, p. 296.

From this text we can infer that Abū Muḥammad b. al-ʿArabī studied with Ibn Ḥazm for the last seven years of the latter's life (449–456/1057–64), during which time he learned most of his work. Since Abū Muḥammad b. al-ʿArabī was born in 435/1043–44, he must have been merely 14–15 when he started studying with the Cordoban scholar, in full accordance with Ibn Ḥayyān's description of Ibn Ḥazm's disciples during his retirement in Huelva (*aṣāghir al-ṭalaba*).

His physical retirement in Huelva must not be mistaken with an intellectual retirement. Quite the opposite; those years he spent in his ancestral land were not wasted in idleness but full of activity and work. We have unequivocal evidence in favour of this idea. Ibn Ḥayyān stresses his full dedication to work and writing; he maintained a constant determination to increase his knowledge and his written work (*wa-lā yadaʿ al-muthābara ʿalā ʿl-ʿilm wal-muwājaba ʿalā l-taʿlīf wa-l-ikhār min al-taṣnīf*).

Ibn Ḥayyān's allusions to the intensity of Ibn Ḥazm's work in his retirement fully agree with the evidence in other sources. In this respect, Abū Muḥammad b. al-ʿArabī is most eloquent. Indeed, two of this disciple's statements are particularly relevant in this regard: first, that alongside Ibn Ḥazm he studied all of the latter's works (*jamīʿ muṣannaḡātihi*) with the exception of the last volume of the *Fiṣal* and an unspecified part of *al-Iṣāl*; later, he points out that Ibn Ḥazm “may” have written some of his works outside his retirement (*fī ghayr baladihi*), that is, as the text clarifies, during the time of his trips through eastern al-Andalus, but that he did not learn these works (*lam asmaʿuhu*).³⁸ Both statements suggest that Ibn Ḥazm had given up writing at this stage. I dare to suggest, therefore, that his retirement was more important for the culmination of his work than previously proposed by Asín Palacios.

Although not specified by Ibn Ḥayyān, Asín Palacios points out that Ibn Ḥazm must have finished one of his most personal works, *Kitāb al-Akhlāq wal-siyar*, a “faithful portrait of his psychological state, saturated with a deep pessimism, and a last stand of the proud complaints with which he bids farewell to his ungrateful fatherland,”³⁹ during this retirement. In this work, translated as *Morals and Right Conduct* and classified as a treatise on ethics, Ibn Ḥazm elaborates “a synthesis of his thoughts about life, a sort of memoir composed in his maturity.”⁴⁰ The book comprises a

³⁸ Yāqūt, *Muʿjam al-udabāʾ*, vol. 4, p. 1653; Spanish trans. Asín Palacios, *Abenházam*, vol. 1, p. 296.

³⁹ Asín Palacios, *Abenházam*, vol. 1, p. 232.

⁴⁰ Tornero Poveda, *El Libro de los caracteres*, p. 37.

corpus of opinions about several topics, such as friendship, love, wealth, power, the importance of study and knowledge, his personal defects, etc. Although it is a collection of thoughts based on his individual experience, hardly any specific facts or individuals are mentioned. Thus, he clarifies that his abhorrence of women springs from “some things that happened to me,”⁴¹ without going into further details. He also mentions that some illness in the spleen affected his character.⁴² He alludes to specific people but rarely, and without offering too many facts. He claims to have been a direct witness of the great friendship between Mubārak and Muẓaffar, sovereigns in the *ṭāʾifa* of Valencia in 400–409/1010–19,⁴³ and remembers some anecdotes with the Cordoban scholar ‘Abd al-Malik b. Ṭarīf.⁴⁴ With these exceptions, nothing in this work provides any information on his life or on his retirement in Huelva.

Ibn Ḥazm ended his days thus, away from politics and public life and fully concentrated on his studies. There is no consensus in the sources as to the date of his death. His disciple al-Ḥumaydī vaguely claims that it happened “after 450 AH.”⁴⁵ Other sources, however, mention the year 457/1065, for example his disciple Ibn al-‘Arabī, who specifies the month of Jumādā I (10 April–9 May 1065).⁴⁶ Although we have seen that this disciple shared Ibn Ḥazm’s final years, this date does not seem to be correct. The most likely date is 456/1064, mentioned in three of our main sources, though showing varying degrees of accuracy; Ibn Ḥayyān only mentions the year, without naming his source,⁴⁷ while Ṣāʿid adds “at the end” (*bi-salkh*) of the month of Shaʿbān.⁴⁸ In this he agrees with Ibn Bashkuwāl,

⁴¹ Tornero Poveda, *El Libro de los caracteres*, p. 80.

⁴² Tornero Poveda, *El Libro de los caracteres*, p. 110.

⁴³ Tornero Poveda, *El Libro de los caracteres*, p. 86.

⁴⁴ Tornero Poveda, *El Libro de los caracteres*, p. 107.

⁴⁵ Al-Ḥumaydī, *Jadhwa*, pp. 290–293; al-Ḍabbī, *Bughya*, pp. 364–365.

⁴⁶ Yāqūt, *Muʿjam al-udabāʾ*, vol. 4, p. 1652. Also the year mentioned by al-Nuwayrī, *Nihāya*, ed. and trans. Gaspar Remiro, “Historia de España,” *Revista del Centro de Estudios Históricos de Granada y su Reino*, 6 ii (1916), p. 103 (Spanish translation), 6 iii–iv (1916), p. 248 (Arabic text), specifically by the end (*fi salkh*) of the month of Shaʿbān.

⁴⁷ Ibn Bassām, *Dhakhira*, vol. 1, p. 137; Ibn Saʿīd al-Maghribī, *al-Mughrib*, vol. 1, p. 355; Yāqūt, *Muʿjam al-udabāʾ*, vol. 4, p. 1655; Ibn al-Khaṭīb, *Iḥāṭa*, vol. 4, p. 116.

⁴⁸ Ṣāʿid, *Ṭabaqāt*, p. 77; French trans. Blachère, *Livre des catégories des nations*, p. 141; Spanish trans. Maíllo Salgado, *Libro de las categorías de las naciones*, p. 137; Spanish trans. Llaveró Ruiz, *Historia de la filosofía*, p. 158. Reproduced by Yāqūt, *Muʿjam al-udabāʾ*, vol. 5, p. 1650, citing Ṣāʿid.

who names Ṣāʿid as his source; the latter is the only one to give a full date, on 28 Shaʿbān (15 August 1064).⁴⁹

Apart from it being his family's ancestral land, Ibn Ḥazm was also buried in Huelva, as explicitly claimed by Yāqūt.⁵⁰ Regarding this, and in order to conclude, we must stress a fact already offered by Asín Palacios.⁵¹ It refers to the Almohad period, and specifically to the third caliph of the dynasty, Abū Yūsuf Yaʿqūb al-Manṣūr (580–95/1184–98). On one occasion, while Abū Yūsuf was travelling through Huelva (Ūnba) he stopped at the tomb (*qabr*) of Ibn Ḥazm to declare: “Admirable place this, from which he came so wise,” adding “all sages drink from Ibn Ḥazm!”⁵² This anecdote not only confirms that Ibn Ḥazm was buried in the same place in which he died and where his family came from, but also that his memory had not faded one and a half centuries later, his tomb being a well known place.

Table 1. Munt Līsham in Arabic sources.

Author	Source	Toponym	Category
Ṣāʿid	<i>Ṭabaqāt</i>	Munt Līsham	<i>qarya</i>
Yāqūt	<i>Muʿjam al-buldān</i>	Mutlijatm	<i>qarya</i>
Yāqūt	<i>Muʿjam al-udabāʾ</i>	Munt Līsham Mutlījam	<i>qarya</i>
al-Nuwayrī	<i>Nihāya</i>	Munt Līsham	<i>qarya</i>
Ibn Khallikān	<i>Wafayāt</i>	Munt Līsham	<i>qarya</i>

⁴⁹ Ibn Bashkuwāl, *Ṣila*, vol. 2, p. 396, citing Ṣāʿid, although his version of the text is somewhat more extensive than his source. Also Ibn Khallikān, *Wafayāt*, vol. 3, p. 328; English trans. de Slane, *Ibn Khallikan's biographical dictionary*, vol. 2, p. 270, without citing Ṣāʿid. Asín Palacios, *Abenházam*, vol. 1, p. 240f., gives an erroneous reading of the date of death pointed out by Ibn Bashkuwāl, specifically 15.7.1063.

⁵⁰ Yāqūt, *Muʿjam al-udabāʾ*, vol. 4, p. 1652; Ibn Khallikān, *Wafayāt*, vol. 3, pp. 328 and 330; English trans. de Slane, *Ibn Khallikan's biographical dictionary*, vol. 2, pp. 270 and 271.

⁵¹ Asín Palacios, *Abenházam*, vol. 1, p. 243.

⁵² Aḥmad b. Muḥammad al-Maqqarī, *Nafḥ al-ṭīb min ghuṣn al-Andalus al-raṭīb wa-dhikr wazīrīhā Lisān al-Dīn Ibn al-Khaṭīb* 1–8, ed. Iḥsān ʿAbbās, Beirut 1988, vol. 3, p. 238. This anecdote must be put into the context of the relationship of the Almohads with the Zāhirī doctrine, professed by Ibn Ḥazm. Already Ignaz Goldziher claimed that the founder of the Almohad movement, Ibn Tūmart, had been influenced by Ibn Ḥazm. The only Almohad caliph to show an open preference for the Zāhirī ʿulamāʾ was, however, Abū Yūsuf. For more on this see Maribel Fierro, “Las genealogías de ʿAbd al-Muʿmin,” *Al-Qanṭara*, 24 i (2003), pp. 77–107.

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Figure 1. City of Huelva (Southwestern Spain).

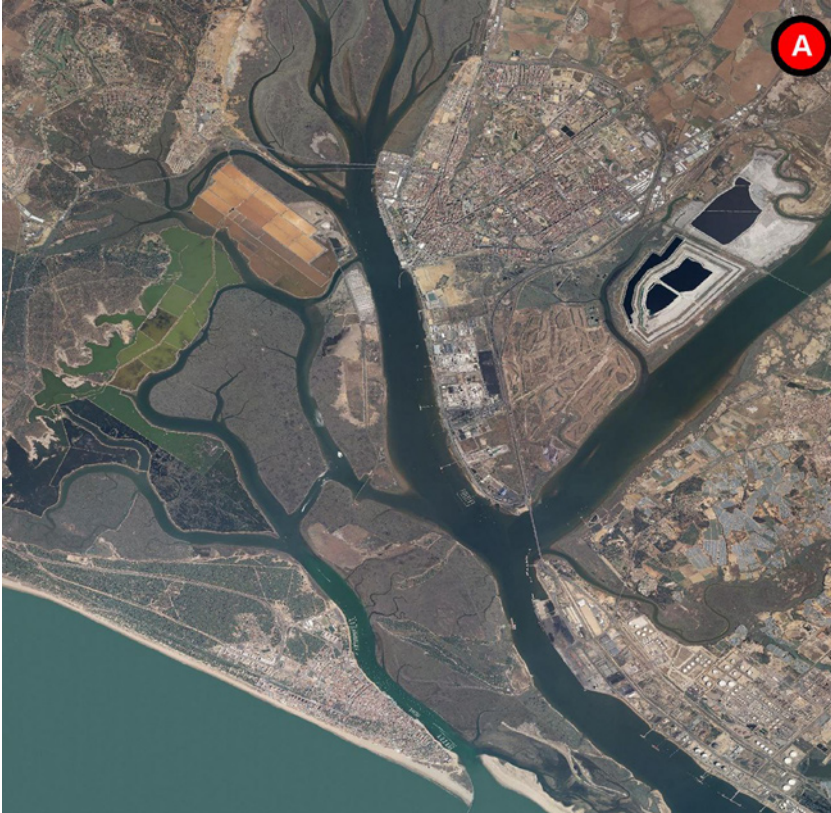


Figure 2. Present location of Hotel Spa Casa Montija (possibly old Munt Lisham), near Huelva.

IBN ḤAZM AND AL-ANDALUS

David J. Wasserstein

He is Abū Muḥammad ‘Alī b. Aḥmad b. Sa‘īd b. Ḥazm b. Ghālib b. Ṣāliḥ b. Khalaf b. Ma‘dān b. Sufyān b. Yazīd al-Fārisī al-Andalusī al-Qurṭubī al-Lablī al-Yazīdī.¹ Al-Fārisī and al-Yazīdī indicate descent from a Persian *mawlā* of Yazīd. The genealogy gives his earliest Muslim ancestor as Yazīd, who had a son named Sufyān, which seems to fit the *walā’* relation very appropriately and neatly. Yazīd (the patron) was possibly, given the son Sufyān, Yazīd al-Khayr b. Abī Sufyān, who was a brother of the first Umayyad caliph Mu‘āwiya and died of the plague in 18/639 (leaving the way open for his brother to succeed him as governor in Syria and subsequently, as caliph, to found the Umayyad dynasty).² Alternatively, he was a second Yazīd, Mu‘āwiya’s son and successor as caliph, who died in 64/683. If the genealogy is not just authentic but also true and complete (and we have both known ancestors close to our man in the fourth/tenth-fifth/eleventh centuries and the eponymous *mawlā* of the caliph or the caliph’s brother in the first/seventh century, which makes it at least look complete, if not therefore true) then every single generation of his ancestors from Yazīd (the client) down to and including his father Aḥmad had a son in this line of descent on average no earlier than when he was 39 years old (for the later Yazīd) or 40 (for the earlier one).³ It looks improbable.⁴ Ibn Hazm

¹ See al-Dhahabī, *Siyar*, vol. 18, pp. 184–212 # 99, with references to other sources. Ṣā‘id of Toledo, *Ṭabaqāt al-umam*, p. 75, trans. Blachère, Ṣā‘id al-Andalusī, *Kitāb Ṭabaqāt al-Umam*, p. 139 (referring oddly to ‘Abd aš-Šams), a contemporary of Ibn Ḥazm, has the same genealogy, which appears also in a note at the end of an 8th/14th-century copy of an early 6th/12th century copy of Ibn Ḥazm’s *K. al-Iḥkām fi uṣūl al-Aḥkām* (see Abdelilah Ljamaï, *Ibn Hazm et la polémique islamo-chrétienne dans l’histoire de l’Islam*, Leiden 2003, p. 23). Does the early date of Ṣā‘id (early in relation to the life of Ibn Ḥazm himself) suggest that we should accept this as containing some element of truth? Or merely as showing that the claim to this genealogy goes back to approximately the time of our Ibn Ḥazm?

² See now Humphreys, *Mu‘āwiya ibn abi Sufyan*.

³ Al-Dhahabī (*Siyar*, vol. 18, p. 185) claims that Khalaf entered al-Andalus with ‘Abd al-Raḥmān al-Dākhil, hence around 756. Given the average ages of his descendants at the birth of their sons suggested above, this, if true, complicates the matter still further for the succeeding period. To put this another way: if Khalaf was, say, 20 in 756, then the average age at procreation is raised by several years still further, to something like 43.

⁴ Improbable is not the same as impossible: Molina (“El estudio de familias de ulemas”) shows that more than 40% of his sample were born when their fathers were above the

tells us of his own sexual interests as a teenager, and we should not expect his ancestors to have been all that different.⁵ A local Iberian Christian background, as surmised by many, is a reasonable assumption.⁶

If the genealogy is largely invention that need not surprise. Time and place make it likely. If Yazīd is invention, though, then the *nisba* al-Fārisī is invention also, and along with them probably most of the other names of *soi-disant* ancestors. Al-Qurṭubī and al-Lablī are different, and, along with his own name and that of his father, are the bits of information that we can trust the most here, not least because we actually know them to be true: he had a connection with Cordoba, and a connection also with

age of 40, over sixty percent when their fathers were above the age of 35. This suggests the possibility of widespread late fatherhood (not necessarily, it should be noted, fatherhood of first offspring). His figures, and the conclusions that he derives from them, appear to stand in contradiction to what I suggest here. However, his sample is small (53 examples, derived—some, like mine, by dividing up periods for which we have no direct data—from what appears to be the very large entirety of the evidence available for the period from the 2nd/8th century to the 8th/14th century [see pp. 168–169, especially n. 10, for the detail]); as he shows, there is a bell-curve range, going from 22 to 75, for the fathers' ages at procreation; and the high point of his curve, at ages 36–40—more precisely, at ages 37–39—is lower than the average age in the genealogy of Ibn Ḥazm, which thus represents, at best, a series of “outliers.” His conclusions show, at most, the varying likelihood, or probability, that an individual born somewhere in his six-centuries-long period all over al-Andalus would have a father belonging to a particular age, or age-group. There can be no guarantee that such an age, or age-group, would be maintained, even on average, from generation to generation in a single descent-group over a quarter of a millennium. The material in the present case, by contrast, allows us to establish as a certainty the average age at which every single member of the group in question here (if it represents a true record of an authentic descent) must have had the son listed in the genealogy. Although the two sets, and the conclusions derivable from them, appear similar, they are in fact distinct. (Molina's ages refer to lunar years, mine to solar ones: converting solar to lunar years raises the necessary average age for the ages at procreation of each of Ibn Ḥazm's Andalusī ancestors still higher, to over 44—to an age-range when only one-third of Molina's sample had their sons.)

⁵ See the *Tawq*. All of Ibn Ḥazm's children seem to have been born fairly late in his life, to judge from the little that we know of their careers. The only child whose date of birth we know was Abū Usāma Ya'qūb, born in 440/1048–49, when he was 56 (lunar) years old. But the little that we know of all of them places their activity fairly late in the fifth/eleventh century.

⁶ Reasonable but not therefore universally acceptable even today: Ljamai, *Ibn Hazm*, pp. 18–29, considers all known versions of the genealogy, including that given by the man himself, and suggests that a man like Ibn Ḥazm would not have lied about his own background. In fact, it is entirely possible for the Persian ancestry to be an invention and for Ibn Ḥazm not to have lied about it: it could have been an invention by someone at a slightly earlier stage in his genealogy, one that our Ibn Ḥazm did not know to be an invention; or he could have been faced with a choice between a vague and unimpressive Spanish ancestry, devoid of detail, and a richly detailed Persian one, linked to Yazīd, and, with no way of deciding between them, opted for the latter. Who would have chosen otherwise?

Niebla, where we know that his family had estates and not far from where he himself died.

He was born in Cordoba in 384/994 and lived for much of his youth in that city; following the political turbulence of 399/1008 and after he spent most of the rest of his life wandering from city to city in al-Andalus. He lived at different times in Almeria, Malaga, Valencia, Granada, Cordoba, Jativa, Talavera, Majorca, Denia, Seville and Niebla, ending up on the family estate in Munt Lisham/Montija, where he died in 456/1064. He never left the Iberian peninsula.

It is in some ways (not in all) a typical Andalusi story. Some might quibble and ask why he did not go to the east, on pilgrimage or *fi talab al-ilm*. Perhaps, as the *Ṭawq* suggests, he was a little too delicate to think of such a trip; possibly the political difficulties in al-Andalus and their effects on his family's fortunes at the moment when he was at an age to think of it (his father died when he was 18, in 402/1012) prevented him from leaving—though he was then just at an age when he might have done it most easily; and perhaps in his sort of family—civil servants, senior bureaucrats—they did not tend to go to the east very much, though of course exceptions can be found.⁷ Others again might wonder why he did not try for a career as a vizier to other, minor taifa rulers: perhaps he was no longer interested in such activity, and also was able to live on his own means or on patronage without the need to work; possibly also there was no one to employ him.

The claim to an ancestry going back to a client of an early Umayyad in the east would explain the family tradition of loyalty to the Umayyads of Cordoba, but it is just as possible, given that the ancestry is very likely invented, the genealogy pretty certainly forged, that the family tradition of loyalty to the Umayyads of Cordoba explains the claim to an ancestry going back to a client of an early Umayyad in the east. Such a view is strengthened by the argument of Maribel Fierro that the Andalusi Umayyads sought to create ties of *walā'* between converts and themselves, not as Arabs but as that Arab family chosen for the caliphate, the political and religious leadership of the community: early conversion created *walā'* between the convert and the community, the Umayyads represented the community, and the conquest of al-Andalus had taken place while the Umayyads ruled the east. Umayyads in al-Andalus and Muslims there of

⁷ For some interesting data on such travels in the generations before Ibn Ḥazm see Molina, "Lugares de destino."

non-Arab descent could both use claims to early conversion to their profit. This would explain, according to Fierro, such “curious developments” as the claim by a local family like that of Ibn Ḥazm to be of Persian convert descent: “what granted prestige was the fact of having made oneself a client of the Umayyads before that family reached al-Andalus, for in that way one could boast of a link of clientage with the Umayyads of greater antiquity.”⁸

There could also be simpler explanations, founded in the local politics of late tenth-century Cordoba. That loyalty (as distinct from link) to the Umayyads in Cordoba in the late tenth century is itself not so easy to understand: how far and how exactly should it be distinguished from loyalty simply to established government (or by this time to the bare ideal of established government), or from loyalty to the ‘Āmirids—whom Aḥmad, the father of our Ibn Ḥazm, served faithfully all the while allegedly maintaining his loyalty to the reigning Umayyad caliph (but one wonders how he managed it—and what it amounted to)—and indeed from opposition to the ‘Āmirids?

Ibn Ḥazm’s own attitude to the ‘Āmirids is also a puzzle:

I felt genuine hostility to Abū ‘Āmir b. Abī ‘Āmir, may God have mercy upon him, and he to me, without our ever having met, because of some slanders [? *tanqīl*; García Gómez: ‘habladurías’; Nykl: ‘slander’]⁹ that people had told each of us about the other; not to mention the mutual antipathy that separated our fathers as a result of their rivalry for the ruler’s favour and for public esteem. But then one day God enabled me to meet him, and from then onwards we were the most beloved of people for each other and thus we remained until death separated us.¹⁰

This is a difficult passage in the *Ṭawq*. The identity of Abū ‘Āmir Ibn Abī ‘Āmir is not clear; the reference to his father’s eagerness for the favour of ‘the ruler’ (the word used is *al-sultān*, nicely ambiguous as between ‘rule’ and ‘ruler’) is a puzzle if the ruler is, as seems likely, actually his own

⁸ See Fierro, “El Conde Casio,” p. 187 (at foot) (I thank Maribel Fierro for showing me the passage in her article in advance of its appearance in print); Marlow, *Hierarchy and egalitarianism*, pp. 22 ff., and index, ‘genealogical rivalry’ and ‘*nasab*’; Afsaruddin, *Excellence*, pp. 52–58.

⁹ *Tanqīl* means many things (see dictionaries) but ‘slander,’ the obvious meaning and that adopted by the translators, does not seem to be among them. Curiously, the word recurs, with a more normal meaning (‘transfer’), in an account of this same man (if it is he) in Ibn ‘Idhārī, *Bayān*, vol. 3, p. 15.

¹⁰ *Ṭawq*, pp. 34–35 (my trans.); trans. García Gómez, p. 123 (see also p. 317 n. 2, with further references); trans. Nykl, *Book*, p. 30 (see also index *sub nomine*). There follow four lines of poetry by Ibn Ḥazm about this Ibn Abī ‘Āmir and about their relationship.

father (i.e., al-Manṣūr); and the fact that Ibn Ḥazm says of him *raḥimahu Allāh*, indicating that he is already dead, makes for difficulties if he is a man who we know died only in 421/1030—the date of the *Ṭawq* itself is still not settled, though it is generally placed rather earlier than this.¹¹

Nykl seems to have thought the man was a son of the *ḥājib* al-Manṣūr; Lévi-Provençal, followed by García Gómez, with somewhat greater plausibility, argued for a grandson of al-Manṣūr who set up a short-lived principality in Jaén.¹² They may well be right—and their man has the advantage of being a close contemporary of Ibn Ḥazm. However, there is that chronological difficulty. But more important than the exact identity of the man is that he is certainly a member of the family of al-Manṣūr—“Ibn Abī ‘Āmir” in this context could have no other implication. Here and elsewhere in the *Ṭawq*—if our text is sound—this man appears as a close and respected friend of the author.¹³ But here too there is a difficulty.

Why should we find this odd? Part of any explanation lies in the fact that this passage and those related to it are about friendship—the *Ṭawq* seems often to be as much about friendship as it is about love. A great proportion of the many anecdotes in the work involve ‘friends’ of the author. Occasionally, as here, these are named: in a case like this, the structure of the story more or less demands the name of the ‘friend’ concerned. Without it, the story lacks any real point. More often, the ‘friends’ are not identified. The very profusion of such anonymous friends must make us wonder whether those in this latter category are in fact real flesh and blood friends, or just conventional literary masks invented for formulaic purposes in the text. Given the author’s age when he wrote and the conditions under which he was brought up, the latter seems more likely. This of itself tells us little about the author’s notion of friendship, though it does perhaps indicate something about how love and friendship were to be written about in al-Andalus at that time.

But there is more than that to the matter. The *Ṭawq*, even more than most of Ibn Hazm’s, and many other Andalusī’s, writings, is a work with a heavily metropolitan bias, even when it is not talking about Cordoba,

¹¹ E.g., in his translation, García Gómez, p. 52, tells us that the work was composed in Játiva in around 1022. Ihsān ‘Abbās places it around 417–18/1026–27 (see *Puerta Vílchez, “Ibn Ḥazm,”* p. 437 col. 1).

¹² García Gómez, *El Collar de la paloma*, p. 316, n. 5 (to chapter 2).

¹³ We should not ignore the possibility that the references to people with names including the element Ibn Abī ‘Āmir in this work are to more than a single individual, all of them members of that family; but in that case the puzzle of Ibn Ḥazm’s attitude to the ‘Āmirids is deepened. The chronological problem here is not solved thereby.

and among such works it also has a strong courtly emphasis, not very surprising given the social background and upbringing of the author. Are these facts sufficient to explain this handful of references to a son or grandson of al-Manṣūr?¹⁴ Ibn Ḥazm employs the English manner of understatement with great delicacy, or possibly irony, here: his father and the father or grandfather of this Ibn Abī ‘Āmir were ‘rivals’ for the ruler’s favour. That is indeed one way of putting it: but one was actually a powerful dictator, himself the ruler even if ruling nominally on behalf of a caliph, while the other was no more than an official, even if a senior one, in the government bureaucracy.¹⁵ Some rivalry—indeed we can qualify the elder Ibn Ḥazm as actually a minister of the elder ‘Āmirid. On the other hand, Ibn Ḥazm was also a vocal supporter—and by the time when he wrote this work had been a minister in the governments—of more than one Umayyad caliphal pretender, explicit and open enemies of the family of al-Manṣūr. And that *ḥājib*’s family itself had by then long been ousted and overthrown as local dictators and were playing very little role in the politics of the country. This particular ‘Āmirid actually—if Lévi-Provençal is right—represented his family’s political ambitions during the taifa period. Why mention such a person at all? Why tie oneself in this way to the political identity of the opponents of one’s own caliphal candidates? Friendship is not enough—mentioning people in literary works in this way is not like product placement in American tv shows;¹⁶ loyalty to old friends is not an issue—especially so as the man was already dead, apparently of smallpox, by the time when Ibn Ḥazm wrote. Was Ibn Ḥazm perhaps—to return to the question I asked above—merely trying here to lay down a marker for his family as old loyalists, devoted to the Umayyads, and making it clear that they had never supported the ‘Āmirids, even if he himself had enjoyed good personal relations with a minor member of the family? It is an odd way to do it, and odder still to find him recording the fact of such a friendship in a work on friendship where it would stand out for later readers.

¹⁴ Cf. previous note.

¹⁵ We cannot exclude the possibility that *al-sultān* here refers not to the caliph but to al-Manṣūr, the real ruler of al-Andalus at that time. But quite apart from the fact that this would involve Ibn Ḥazm in representing the dictator as legitimate ruler, as against the Umayyads, it would also represent a son (or grandson) as rival for his own father’s favour with a servant of that father (or grandfather). It seems improbable.

¹⁶ Contrast the habit of dedicating literary works to actual or potential patrons, sometimes to more than one, which is common in classical and medieval Islam (and not only there).

Ibn Ḥazm's support for the Umayyads as caliphs—which deserves extended study of a sort that it has not yet received—does not seem to have got in the way of a realistic appreciation of the worldly realities of political power in al-Andalus. He was happy to accept hospitality and we may assume also patronage from a variety of taifa rulers during the second half of his life, after his active participation in early taifa politics had reached its undistinguished conclusion. The *Risāla fī Faḍā'il Ahl al-Andalus*, to which I shall return in a moment, was written at the request of one very minor ruler of this sort (Muḥammad b. 'Abd Allāh Ibn Qāsim of Alpuente, regn. 421/1030–434/1042),¹⁷ and—though he may not have liked him much—he lived under the protection or at least the toleration of al-Mu'taḍid Ibn 'Abbād of Seville at the end of his life. That ruler allowed him to live out his last days on the old family estate, even if he burned his books in public, eliciting from him the well-known verses:

Though you burn the paper, you will not burn what the paper contains,
Which is preserved in my soul despite you,
And goes with me wherever my feet take me;
Where I rest, there too my learning will rest,
And will be buried with me in my tomb on the day I die.¹⁸

(These lines, and the others that we have from this poem, are not as simple as we should like.)

All of this contrasts with our normal picture of Ibn Ḥazm as a supporter à l'outrance of Umayyads and their rights to the caliphate, as also with the impression that support gives, of lack of political *nous* and a sentimental attachment to a political institution and a dynasty whose time had long gone in the Orient and was fast disappearing in al-Andalus itself. Whatever else we may say about Ibn Ḥazm, we are unlikely to describe him as possessed of the thoughtfulness and calm, judgement and tact, mildness and canny discernment and reason that are associated with that classic Arab political virtue of *ḥilm*, incarnated most famously, at least in literary representation, in the figure of the first Umayyad, Mu'āwiya.

If we want evidence of this point we need look no further than the *Radd 'alā Ibn Naghrīla al-Yahūdī* (of which I promised an annotated translation far too long ago). The original title of the work is not known for sure,

¹⁷ For the dates see my *The Rise and Fall of the Party-Kings*, p. 84, no. 3 and n. 3, with references; the dates I offer there differ from those generally accepted.

¹⁸ See discussion and full translation at Asín Palacios, *Abenḥázam de Córdoba*, vol. 1, pp. 235–236.

though Dhahabī gives it conveniently as *al-Radd ‘alā Ismā‘il al-Yahūdī al-ladhī allafa fī tanāqud āyāt* (scil. *min al-Qur’ān*).¹⁹ Despite his helpfulness in giving the Jew a name (which is not mentioned anywhere inside the work), there has been considerable discussion of the Jew’s identity since the nineteenth century, long before we actually had the text itself, and partly because of that the overall purpose of the work seems still not to command universal agreement. Discussion of this is befogged in particular by questions surrounding the alleged composition by the Jew of a work attacking, or imitating, the Qur’ān, ‘*tanāqud āyāt*’. Sarah Stroumsa’s elegant disposition of the problem—in which she demonstrated that Ibn Ḥazm borrowed at least most of his ‘quotations’ from the Jew’s alleged work from a Muslim heretic, Ibn al-Rāwandī—has not won the universal acceptance which it should have.²⁰

Her demonstration of this means that we have to reject the idea that the Jew composed a work attacking the Qur’ān or Islam and see this charge as no more than a slander by Ibn Ḥazm. In consequence, we should not see the work as an inter-religious polemic of the normal sort. Ibn Ḥazm is not trying to persuade anyone here that Islam is better than Judaism. Rather, we should take seriously the remarks at the start and the end of the *Radd* in which Ibn Ḥazm makes his aim and his hopes very clear, and see it as a political pamphlet attacking Samuel ha-Nagid of Granada on religious grounds for overstepping the bounds of *dhull*, lowliness, set by Islam for Jewish participation in public life, politics. That is to say, this is a political tract. It is cast in terms that even today make for shocking reading. Racial and religious abuse, personal vituperation and insult here go beyond the norms even of medieval Arabic religious and political discourse. In terms of the current political scene in al-Andalus, where some Jews were beginning to have real roles in government and in politics, the reaction by one Muslim is understandable, but what stands out more is Ibn Ḥazm’s lack of political judgement and insight into the political temper of his times.

That lack of insight and of Umayyad particularism comes out strongly also in another of his short works, the *Naqṭ al-‘Arūs fī tawārīkh al-khulafā’*.²¹

¹⁹ See al-Dhahabī, *Sīyar*; n.q.d. VI seems to be unrecorded.

²⁰ Stroumsa, “From Muslim Heresy to Jewish-Muslim Polemics”; Lazarus-Yafeh, *Intertwined Worlds*, pp. 27f.; also Powers, “Reading/Misreading One Another’s Scriptures”; Wasserstein, *Rise and Fall of the Party-Kings*, pp. 199–205; the first serious publication is García Gómez, “Polémica religiosa”; Fierro, “Ibn Ḥazm et le *zindīq* juif”; and now especially Brann, *Power in the Portrayal*, chapter 2, pp. 54–90.

²¹ See most conveniently, still, Ibn Ḥazm, *Naqṭ al-‘Arūs*. See also Martínez-Gros, “Dynasties et califat”; Wasserstein, “The End of the *Naqṭ al-‘Arūs*”; id., “Ibn Ḥazm on names meet for caliphs.”

This is a very odd work. It is occasionally still trotted out as evidence for Ibn Ḥazm as a historian—usually not by historians. We have several different versions of it—though some of the differences between them may well arise from confusion of the pages in different manuscripts in its transmission—and because of that it may be a little unfair to use it to weigh his qualities in this area. As we have it, it is just a collection of short anecdotes—or, perhaps more precisely, anecdotal material: ‘Caliphs who lived a long time,’ ‘Women who were related to many caliphs,’ ‘Caliphs who reigned in their old age,’ ‘Those who took the title of caliph without belonging to a *Qurashī* family or being *Khārījī*,’ ‘Curiosities in the genealogies of the ‘Abbāsids,’ and so on. If they had had handbooks for after-dinner speakers in medieval Islam, this might have been one such. It is not a work of history.²²

What stands out, however, in this work by a strong supporter of the rights of the Umayyads over against other caliphal dynasties, is that it could almost be the work of a modern non-Muslim: the ‘Abbāsids, the Fāṭimids, even the Ḥammūdids of al-Andalus, are all mentioned in exactly the same terms as the Umayyads (both eastern and western). There is no suggestion here that the Umayyads were more entitled to be caliphs than the rest, nor that the rest were in any sense usurpers. The Ḥammūdids in al-Andalus, who were probably responsible for the death of at least one of the last Umayyad caliphs there, come in for no special criticism. All were equally caliphs and all were equally accessible and qualified material for this writer or collector of anecdotes about caliphs.²³ This does not suggest a deep attachment to the Umayyad, or to any, caliphal dynasty.²⁴

²² Camilla Adang reminds me of Ibn Qutayba, who recommended his readers to memorize the short pieces of information in his *Kitāb al-Ma‘ārif* for use in discussions with nobles and scholars.

²³ Does this suggest the belief that anyone who claimed the title of caliph, with whatever justification in terms of theory or practice, could/should be regarded as caliph? Certainly it was Ibn Ḥazm who wrote, with horror, of four men, in a circuit of a few days’ travel, who all claimed the title of caliph and were recognized as caliphs by others. For details see Wasserstein, *The Caliphate in the West*, Appendix X, pp. 192–195, ‘The Year of Four Caliphs’.

²⁴ As against this, we should note remarks like the following, about the Andalusī Umayyads: “no dynasty in Islam was nobler than theirs, or earned greater victory against the infidels, or possessed more virtues; when they were destroyed Al-Andalus was destroyed up till now [is this an indication of the date of composition of this work?] and in their going the glory of the world departed” (Ibn Ḥazm, *Asmā’ al-Khulafā’*, p. 146). Does this suggest a deep-seated loyalty to the Umayyads by comparison with other claimants to the caliphal title? or nostalgic attachment to the caliphal family that his family had served? or simply formulaic language?

Does this indicate that Ibn Ḥazm's withdrawal from political life and activity meant also a withdrawal from political thinking and beliefs and attachments? Active support for Umayyad pretenders gave way to acceptance that the Umayyads had been simply one dynasty among others? Literary propaganda opposing Jewish participation in politics and government had simply failed? Failure had driven him into polemical retirement? That seems very unlikely. What seems more likely is that the failures of his political career directed him towards other ways of expressing his ideas about al-Andalus and its government, about Islam and how it related to life.

All of this brings me, somewhat indirectly, to the *Faḍā'il*. The *Risāla fī Faḍā'il ahl al-Andalus*, like so many of Ibn Ḥazm's other short works, has aroused much discussion, though nothing substantial has, I think, appeared since Gabriel Martinez-Gros' article of 1985.²⁵

Ibn Ḥazm does not seem to have given the work a title, presenting it rather as simply an epistle, a *risāla*, addressed, with a curious twist, not to the author of the original letter to which it is a response—he had died—but to the mutual friend in whose library he had come across it. Even though this is in one sense simply a variation on a well-known formulaic convention, casting the work as a *risāla* permitted Ibn Ḥazm a good deal of freedom as to internal structure;²⁶ and indeed the little work—it is very short, only some dozen pages—varies a good deal, between the format of the personal letter and discussion of *ḥadīth*, between literary boasting and library catalogue, ending rather abruptly with barely a hint of its origin as a letter or indeed as anything else.

Despite the absence of a formal title, however, Ibn Khayr in the 6th/12th century already called it *Risāla fī faḍl al-Andalus wa-dhikr rijālihā*. Al-Maqqarī, our only source for the text itself, does not give it a title but describes it as an epistle in which Ibn Ḥazm discusses some of the “excellences” of the *‘ulamā’* of al-Andalus (*Nafḥ*, ed. Dozy et al., II, p. 108: *risālat Abī Muḥammad Ibn Ḥazm al-ḥāfiẓ al-latī dhakara fihā ba’d faḍā’il ‘ulamā’ al-Andalus*); and other versions of the title or of what the text contains say much the same thing. We find both *al-Andalus* and *ahl al-Andalus*; but the important constants are the words *risāla* and *faḍl/faḍā’il*.

²⁵ Martinez-Gros, “L’Ecriture et la ‘Umma’.”

²⁶ See A. Arazi and H. Ben-Shammai, “Risāla,” *The Encyclopaedia of Islam*. New Edition, vol. 8, pp. 532–539.

It is also relevant here that the first sentence of the work, following the introductory formula, also contains the word *faḍā'il*, along with the word *manāqib*. The terms are typical of works circulating from an early period extolling the merits and the virtues of individuals and groups, cities and countries and more (e.g., in particular, the Qur'ān). What they had in common was a concern not so much with specific qualities in themselves as with such qualities as affecting or reflecting or conferring standing in Islam.²⁷ Both terms point not only to the character of the contents of the work but also to the means by which Ibn Ḥazm purposes to achieve them. Very early in the text we find a discussion of a *ḥadīth* in which the Prophet gave the people of al-Andalus a special rank, fighting 'like kings on their thrones'. Just as the conquest of Cyprus (in 27/648–49) was the 'first' maritime expedition of the Muslims, so, by an interpretive sleight of hand, the conquest of al-Andalus becomes the 'second,' hinted at in the *ḥadīth*—the Prophet uses the word *awwalīn*, and Ibn Ḥazm points out, quite correctly, that, unlike the word 'one,' the word 'first' implies a series of at least two.²⁸ By this means Ibn Ḥazm gives the conquest of al-Andalus a special status, and confers upon Andalusī Muslims a special character as Muslims and as men of learning in Islam.

We cannot be certain when the work was composed, though Pellat's suggestion of a first edition prepared between 420/1029 and 426/1034, revised between 430/1038–440/1048, narrowed to 430/1038–436/1044, is broadly acceptable.²⁹ It may be possible, I think, to narrow this down further still, to around the year 436/1044 itself, though any dating that allows for several revisions of a text of this brevity spread over more than a decade seems necessarily to raise other worrying problems. A date in the 430s/1040s would be well into the second half of Ibn Ḥazm's life, and also into the period of gradual consolidation of the taifa system, when it was clear to any observer that the caliphate would never return, that the little states which had been spawned by the collapse of the 'Āmirids would gradually consume each other, and possibly also that the greatness and

²⁷ See for the general point Afsaruddin, *Excellence*, pp. 26–35; also Emmanuel Sivan, "The beginnings of the *Faḍā'il al-Quds* literature," *Israel Oriental Studies* 1 (1971), pp. 263–271; idem, "The beginnings of the *Faḍā'il al-Quds* literature," *Der Islam* 48 (1971), pp. 100–110.

²⁸ This argument is curiously similar to that found in Jewish midrash about the expression "It was evening, it was morning, one (not "a/the first") day" in Genesis 1:5. It would be worth knowing whether Ibn Ḥazm had an Islamic source for his argument here or perhaps was in some way acquainted with the midrash.

²⁹ Pellat, "Ibn Ḥazm," p. 55.

strength of the preceding century were being replaced by weakness and danger for Islam in al-Andalus.

The occasion for the *risāla* is explained by Ibn Ḥazm with a story: he was visiting a friend and while rummaging through the books and papers in his library (one wonders about the friend, about the rummaging, about a lot of things) found an epistle written by an unnamed 'north African,' 'from Qayrawān' in which, addressing another unnamed Andalusī, the Qayrawānī pointed out that the scholars and learned men of al-Andalus, despite their learning, had never bothered to write histories of their works or to do anything to immortalise their memory. Ibn Ḥazm aimed to remedy the defect. The story looks very like a typical conventional excuse for the writing of an epistle, the medieval equivalent of the English essay.

It is only thanks to two other writers, Ibn Bassām and al-Maqqarī, that we have other circumstantial information that substantially confirms the story's truth—though it also shows that Ibn Ḥazm deftly cut out the identities of the original letter-writer and of his addressee, Ibn Ḥazm's own cousin, possibly, in the latter case, because of literary and personal rivalries.³⁰ These two writers give us the names of Abū 'Alī al-Ḥasan b. Muḥammad Ibn al-Rabīb al-Qāḍī al-Tāhartī, the original writer of the letter criticizing the Andalusīs, and of Abū l-Mughīra 'Abd al-Wahhāb Ibn Ḥazm, our Ibn Ḥazm's cousin.

Pellat remains only half willing to accept this as genuine, but, whatever Ibn Ḥazm's intentions in writing, with that extra information there seems little reason to reject his explanation for the way in which he came to write. The identities of Ibn al-Rabīb al-Qāḍī al-Tāhartī, of Abū l-Mughīra Ibn Ḥazm, and of the man whom Ibn Ḥazm calls his 'brother Abū Bakr,' Muḥammad b. Aḥmad b. Ishāq al-Muhallabī al-Ishāqī, in whose library he found the original letter, are too solid to have been invented out of whole cloth. We have the text of Ibn al-Rabīb's letter, and even of parts of Abū l-Mughīra Ibn Ḥazm's reply to it. If the details of Ibn Ḥazm's own account of how he found the north African's letter seem a little dressed up, that need not mean that the whole story is a falsity—rather that Ibn Ḥazm used an opportunity that presented itself for purposes of his own.

But what were those purposes? Why was it written? At whom was it aimed? It is addressed, apparently, to Ibn Ḥazm's friend, but Ibn Ḥazm also says in it, "If, through informing you as I do in this epistle, I resemble those who bring coals to Newcastle, or who put up signs on a well-travelled

³⁰ See Pellat, "Ibn Ḥazm," pp. 53–54.

road, even if I am actually addressing you, nonetheless my special aim is to reach those over there who are far from possessing the information sought for by the man who posed the question to begin with.”³¹ This seems a little more on target. It raises questions about publication, and distribution, especially of very short texts, in the middle ages, but at least it claims a concern with a genuinely larger audience than the ostensible single one for a semi-personal letter. The text’s survival in itself shows that the literary form of a personal document is a cover for a public work. But if the *risāla* was intended for a larger public, what was Ibn Ḥazm actually trying to say in it?

Ibn Ḥazm tells us why he wrote it—apart from the story, which looks more or less true, he also tells us that he wants the work and its contents to spread awareness of the literary and historical excellences of al-Andalus, especially to those in north Africa, which we may take to be a shorthand for the rest of the Islamic world. Ibn Ḥazm’s work is not the only Andalusī text with such aims. We have the very well-known epistle of al-Shaqundī, written in the following century, devoted to proving the superiority of al-Andalus, and its population, as Arabs, over north Africa and its population, Berbers.³² And there is also another text of Ibn Ḥazm’s own period: written by Abū l-Walīd al-Ḥimyarī (not the famous later geographer al-Ḥimyarī), this work sets out explicitly to show that al-Andalus can compete easily with the east in poetic terms.³³

On the surface this looks on one hand simply like a literary exercise—a letter from Qayrawān answered by a letter from somewhere in al-Andalus. On the other hand, it is clear that the letter from Qayrawān and Ibn Ḥazm’s response constitute a sort of *mufākhara*, a mutual boasting contest, not unlike that between al-Shaqundī and his friend. But is there more to it than this? Is Ibn Ḥazm merely indulging himself here, or has he a more serious point? In the epistle, Ibn Ḥazm mentions some one hundred works altogether of which perhaps eighty are by Andalusīs. In the context of Andalusī literary production by the middle of the fifth/eleventh century, even of its best, this is not a lot, and we have to wonder why just these works are chosen and not others. Beyond assertions of their high quality, it is never made clear.

³¹ Trans. Pellat, p. 63 § 3.

³² Text in al-Maqqarī, *Nafḥ*, vol. 2, pp. 126–150; trans. Luya, “La ‘Risala’ d’aš-Šakundi,” pp. 133–181. For al-Shaqundī see M.J. Viguera, “al-Shaqundī,” *The Encyclopaedia of Islam*. New Edition, vol. 9, p. 256, with references to Spanish and English versions.

³³ Al-Ḥimyarī, *al-Badīʿ*. We are a long way from *al-Iqd al-Farīd* of Ibn ‘Abd Rabbihi.

It would be good if we could see this little text as part of a larger theme reflected in Ibn Ḥazm's life and work, one which would fit in tidily to a view of al-Andalus as having a special identity in the Islamic world in the middle ages. It is clear that al-Andalus is not like other areas: it does have a special character, considerably more than Egypt, the other prime candidate for such thoughts.³⁴ Unlike Egypt, whose main qualifications in this area are its geographical isolation and its pre-Islamic, indeed pre-Christian, pre-Roman history, al-Andalus had much more: its geography cut it off from the rest of the Islamic world, its history and its government not only cut it off but gave it an ancient Muslim dynasty and a caliphate of its own; during the period of rule of that dynasty, and especially during the fourth/tenth century under al-Ḥakam II al-Mustaṣṣir (regn. 350/961–366/976), strenuous efforts had been made to create a culture in al-Andalus that was specific to the place, that would give the area something on the cultural plane to reflect its growth to importance on the military and political planes, and that would create a record of its doings for contemporaries and future generations. The most important brick in this edifice had been the great library built up by al-Ḥakam holding vast numbers of books, on a scale which put virtually all pre-modern libraries to shame.³⁵ This library did not merely record, in its holdings, the greatness of al-Andalus, it was itself part of that greatness.

Ibn Ḥazm could not have known that library, which was brought low by al-Manṣūr a generation before his own birth, but he was probably aware of others that sought to rival it. These included one created by a vizier of a dynasty with which he was very well acquainted, as he was involved in its conflicts with Zirid Granada. The library of Ibn 'Abbās, in Almeria, we are told, held as many books as that of al-Ḥakam a century earlier.³⁶

More perhaps than most Andalusīs, through his family background, his own political experience supporting the Umayyads, the breadth of his learning, the still greater breadth of his general Islamic culture, his position at the heart of the Cordoban literary world, Ibn Ḥazm was in a position to be conscious that al-Andalus had some sort of special identity within the medieval Islamic world. This is not an argument for a kind of patriotism *avant la lettre*, even of a sense of local identity in a period to which such a notion would be alien, especially in the Islamic world.

³⁴ See Haarmann, "Regional sentiment"; idem, "Medieval Muslim perceptions"; Cook, "Pharaonic history."

³⁵ See my "The Library of al-Ḥakam II al-Mustaṣṣir of Cordoba," n. 1, for references to Ibn Ḥazm's and other accounts of the size of the library's holdings.

³⁶ See Ibn Bassām, *Dhakhira*, vol. 1 ii, pp. 664–665.

But we might have expected Ibn Ḥazm, because of his background, somehow to be part of the Andalūsī equivalent or anticipation of that, to reflect in his writing something of that special awareness of a special character. This *risāla* indeed forms part of our impression of al-Andalus as having that special character, but it must be said that it does so merely because we have it, not because of any special virtues that it incarnates in itself. It is not a great work.

The strange fact is that Ibn Ḥazm does not contribute significantly to our sense of al-Andalus as special. *He* is special, but he is not special as part of al-Andalus. This *risāla* is only a dozen pages. Shaqundī's is two or three times as long and far more detailed. Even the little collection by al-Ḥimyarī, modeled more on the long work *al-Iqd al-farīd* of Ibn 'Abd Rabbihi, goes into things more. This work is, basically, as we have it, just a list. Gabriel Martinez-Gros, in the article I referred to earlier, goes to some effort to demonstrate a chiasmic pattern to the structure of the contents, but the overall impression that the work gives is one of something unfinished, perhaps something being endlessly revised. Its structure has oddities and weaknesses and these are suggestive, at the least, of a work still in progress. In this context it is worth recalling the evidence we have suggesting precisely that—revisions over a period of more than a decade.

Why should things be thus? In part it is a category difficulty: the fall of the Umayyads and the break-up of their state created a new *type* of world for Ibn Ḥazm, one that he was ill-suited to understand and to adapt to, let alone to extol. If he could accommodate himself, as we have seen, to non-Umayyad local rulers, he still had great difficulty, as his anti-Jewish outburst shows, in accepting their legitimacy or the legitimacy of the way in which they exercised rule.

Partly, too, we should perhaps see a simpler and more personal difficulty. Ibn Ḥazm was certainly capable of producing large and important works—the *Fīṣal* and the *Muḥallā* in particular demonstrate a capacity for that. But they, and his other larger works, are in different fields. Although Ibn Ḥazm wrote in many disciplines, and though this was an age of polymathy and its sister polygraphy, nevertheless what I am speaking of now called for a (kind of) history and he simply could not do it. The *Naqt* is the closest surviving text that we have from Ibn Ḥazm that is historical. We have several others and we know of still more.³⁷ All of them that survive

³⁷ See Puerta Vilchez (with R. Ramón Guerrero), "Ibn Ḥazm," where, at p. 402, a classification of his works by subject is given, showing 5 works (## 5, 35, 79, 114 and 139 in their list) devoted to the life of the Prophet; 'caliphs and governors,' 7 works (## 6, 21, 25,

share one central characteristic with the *Naqt*—they are compilations, of facts, of anecdotes, of names, of items of information. There is no sense in any of these of history as ongoing, of history as having a meaning or a shape. Even in this work, what we have is essentially a list, assorted with the *ḥadīth* to which I referred and a couple of anecdotes which suggest that the work might have been on the way to being less of a list and more of an argument. But those remain only hints. What we have contains a surprising number of references to works by friends of Ibn Ḥazm. Even the most metropolitan of writers might be expected to be able to offer a more rounded picture of his world.³⁸

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31, 42, 89 and 134); Arab and Berber genealogies, 2 works (## 90 and 136); and biographies, 4 works (## 28, 68, 129 and 132) (Others could be added to these categories, but the overall classification seems valid).

³⁸ I am grateful to Camilla Adang, Maribel Fierro and my Vanderbilt colleagues Dan Cornfield and Shaul Kelner for valuable comments in the preparation of this paper.

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IBN ḤAZM ON HISTORY: A FEW REMARKS

Gabriel Martinez-Gros

A jurist, a genealogist, and perhaps a theologian, Ibn Ḥazm probably never considered himself a historian, and was never considered as such by his fellow scholars. However, history plays a decisive part in his work in a sense that the current paper is precisely about.¹ What is “history” in Ibn Ḥazm’s thought?

Concerning one of the main figures of Andalusī culture, and the author of a considerable number of works, the approach must be plain. My first question is: how does Ibn Ḥazm himself describe his own first encounter with History? By good fortune, many narratives of Ibn Ḥazm’s youth are extant in one of the most famous masterpieces of Andalusī literature, the *Ṭawq al-hamāma* that Ibn Ḥazm wrote, probably when he was between 30 and 35, after the legitimist party to which he belonged failed to restore the Umayyad Caliphate in Cordoba. Putting aside what autobiography means in pre-modern Arabic literature, and whether it can be allowed any kind of reality or not, I shall focus on the first *khavar*—anecdote or piece of history—in which *hijrī* dating appears in the book.

It comes strikingly late, in the 27th chapter (out of 30), *al-sulūʿ* (consolation). The subject of the book is love, as is well known. The subject of this particular chapter is how love dies, while leaving the lovers alive. Ibn Ḥazm, at the end of the chapter, tells us how much in love he was with a young maidservant of the Banū Ḥazm’s wealthy household. It was just before the outbreak of the civil war in 1009, the *fitna* which put an end to the Umayyad Caliphate. Ibn Ḥazm was very young, under fifteen, since he was born in 994. The girl was sixteen when the main episode of the plot took place. The women of Ibn Ḥazm’s family organized a party for their female clients. Ibn Ḥazm, growing in age but still considered a child, was allowed to attend that otherwise strictly female moment of entertainment. He tries to take advantage of the crowd which overwhelms the house to

¹ The title of Ibn Ḥazm’s main treatise on religions, the *Fiṣal*, has been translated by Miguel Asín Palacios as *Historia crítica de las ideas religiosas*—‘A critical History of the religious ideas’—a translation which is not groundless if the contents and developments of the work are considered.

corner the girl and touch her, without any success. As the day ends, the whole company goes down to the garden, where the girl is invited by the ladies to sing—and she sings a poem of al-‘Abbās Ibn al-Aḥnaf. “Until my death, I shall never forget that moment,” writes Ibn Ḥazm. Not a single date in all that.

But months later, the civil war begins with a coup that overthrows the Amirid dynasty. The houses of the privileged are looted, their lives threatened by the mob. Two days after the successful coup, or in other words two days after the outbreak of the civil war which was to put an end to four centuries of Umayyad rule, Ibn Ḥazm’s family moved to the western part of the city.² This was in Jumādā II 399, the first *hijrī* date in the book. The following events—Ibn Ḥazm’s father’s death in 402/1012, his own departure from Cordoba in Muḥarram 404/1013, and his return in 409/1019 are also precisely dated in the Hijra Era, giving the whole narrative a distinctive smell of autobiographical truth. Ibn Ḥazm’s family, first at odds with the new political power, also shares the hardships of the city dwellers besieged by the Berbers. Ibn Ḥazm leaves Cordoba in 1013 after the disaster of the Berber onslaught on the city, which brings about ruin and death, and definitively ends Cordovan hegemony in the Western Muslim world. In the Eastern part of the peninsula, he joins the forces of the legitimist, pro-Umayyad party, which are unfortunately routed by the Berbers in Granada in 1018. Later, back in Cordoba, he meets with the girl he had not seen for nearly ten years, from that very first moment of the civil war, in Jumādā II 399/1009, when he had to flee from his house. But she looks so different that he does not even recognize her. Love is dead, both are adults, the genders are separated, and he has become a Muslim through war and political commitment.

There is much to say about this narrative. The most immediately noticeable aspect is that the Hijra—that is “flight” in Arabic—dating emerges with the author’s own flight from Cordoba, and to a broader extent, from childhood. Accordingly, the Cordovan *fitna* may be understood as a remake of the first *fitna* which first split the Arabs: Mecca against Medina, and then Mu‘āwiya against ‘Alī, in the first generation of Islam. The Umayyads were involved in both civil wars, just as they stood at the centre of the

² The last Umayyad caliph abdicated in 1031. Since 1016, the wars of the ‘parties’—*tawā’if*—originated in the different ethnic groups serving the Umayyad dynasty in the palace and in the armies, Berbers, Slavs, Arabs—paved the way to the *mulūk al-tawā’if*, the rulers of petty kingdoms centred on the main cities of the peninsula.

political strife in al-Andalus.³ But the whole story also makes clearer what Ibn Ḥazm's *Ẓāhirism* is—his staunch favouring of the obvious meaning of the sacred texts. The mature young Muslim who returns to Cordoba—he is twenty-five in 1019—has severed his ties with the ambiguities of childhood, with which that unforgettable evening song was imbued. The sun was setting, the light was dim; in contrast, the day of his return is clear and its light merciless for the lovers. But in the memory of this young man, sure of the Muslim path he is following, the record of a song, and a love, remains—and will remain until his death—even without any beloved. The obvious meaning of life (*ẓāhir*) holds within a hidden meaning (*bāṭin*), which is as vain as it is strong, and difficult to master.⁴ Ultimately, this story tells us what history means for Ibn Ḥazm: it means dating and continuity that are drawn from a starting point, which is itself a radical break. Prophecy is the first and main principle of that scheme, and the history of Islam is its best example. Muḥammad's prophecy removed everything from the world of the *jāhiliyya* and from the religions established by previous prophets. It founded the world anew. In contrast, from Muḥammad to the present, the tightest continuity is required. Only in this is Islam's proof—especially against Jews and Christians. Thousands have witnessed the Prophet's deeds and sayings, and their testimony passed to thousands of their sons, and to their grandsons, and so on, from generation to generation, so that there is no reasonable doubt of the genuine veracity of the founding facts of Islam, which have been assessed by so many and such various witnesses. With a perfect *isnād*, Islam has never undergone the political breakdowns that might have threatened the transmission of its testimony. The civil war in al-Andalus is precisely one of them, abolishing the political existence of a family (the Umayyads) whose ancestors had been among the direct witnesses of Islam at its rise, even if—or especially because—this testimony has been delivered by the descendants of the Prophet's enemies. The political break in Cordoba could sweep the proofs of Islam into oblivion. In contrast to this, history is the path to memory, and to truth.

³ This parallelism drawn between the two main *fitnas* the Umayyads suffered during the four centuries of their political existence holds the crucial meaning of the *Ṭawq al-ḥamāma*, as I tried to demonstrate in "L'amour-trace, réflexions sur le *Collier de la Colombe*," *Arabica* 34 (1987), pp. 1–47; and in *L'identité andalouse*, Chapter One, "La blondeur des Omeyyades," Paris/Arles 1997, pp. 63–77.

⁴ For that anecdote, see *Ṭawq al-ḥamāma*, ed. and transl. L. Bercher, Algiers 1949, pp. 282–290.

The loss of their way has been the fate of both Judaism and Christianity. Judaism perished first, when Nebuchadnezzar destroyed Jerusalem and forced the Hebrews into exile in Babylon. The true Torah received by Moses was lost, and written anew by the rabbis. As far as Christianity is concerned, the demonstration is much easier. For three centuries after Christ, the religion was bound to remain clandestine. The *isnād* of Christianity is hindered by its uncertain origins. Ibn Ḥazm insists: We Muslims assert the authenticity of Moses' and Jesus' prophecies. That does not mean that the evidence provided by the Jews, or by the Christians, is convincing. But that of Islam is, and the Qur'ān tells us that Moses and Jesus were authentic prophets. We do not believe in the Moses, in the Jesus you find in the Bible; we believe in that Moses, in that Jesus the Qur'ān refers to. And we believe in them to the extent the only true sacred text tells us. Consequently, one could state that all the prophets are Muslims.⁵

Pushing further on, Ibn Hazm logically asserts that there is no history except the Muslim one, since the perfection of *isnād* is its exclusive privilege, lost everywhere else. In some cases, the Persians for example, the rise of the Islamic Empire and its conquests determined their fall into oblivion. The memory of the old Persians' historical existence has not entirely been lost, but anything still extant has been saved by Muslim scholars and historians, and intimately mingled with the Islamic history to which it now belongs. Much of the same might be said about the Hebrews, the Greeks or the Romans. There is nothing true in the history of this world except through Islam. On the contrary, the wreckage of the Zoroastrians texts is a clear evidence of their vanity (*bāṭil*). A religion that God has not endowed with the evidence of its truth is bound to be a false or abrogated creed. God would never allow the disappearance of religious rules He demands human beings to comply with.⁶

Some peoples have totally vanished, and left only their names, but many more died without leaving the slightest trace of their existence, not even a name. The past is an unknown ocean—"you are a white stain

⁵ On the refutation of Judaism and Christianity, see *Fiṣal*, first treatise, chapters 14 (against the Jews), 15 (on the falsehood of the Torah and the Gospels), and 21 (on the historical proofs of Islam).

⁶ See *Risāla fī marātib al-'ulūm*, in *Rasā'il Ibn Ḥazm*, ed. Iḥsān 'Abbās, Cairo [n.d.], pp. 78–79 (on the remains of ancient history), p. 74 (on the falsehood of the sacred books of all religions except Islam, as evidenced by the destruction of the genuine and authentic messages of God through the hardships, misfortunes and exiles suffered by all nations). As far as the Zoroastrians, Christians, and Jews are concerned, Ibn Ḥazm refers to what he says in the *Fiṣal* (vol. 1, p. 14).

on the black bull skin,” as the Prophet said to his community. But the whole of history, that is, the very small part of the past of which memory remains, is included in that small stain. Ibn Ḥazm has understood what so many modern historians find so difficult to acknowledge: history is not the past, but a very small piece of it, which has been written and transmitted; history is the past still present. That past is relentlessly selected by the present which keeps it alive. For Ibn Ḥazm, Islam is the present of the world, and as such, it is the only one entitled to “think” history.

History, understood as an unbroken chain of testimony after an apocalyptic foundation time, is the main argument against religions deemed authentic by the Qurʾān itself—like Judaism and Christianity, which can claim to be older than Islam. That is the point: Islam can only be asserted to be true if Judaism and Christianity can be proved to be false or abrogated. A broken *isnād*, a forgotten or uncertain law, exposes the judgment of abrogation delivered by God. Providence makes a religious law fall into oblivion when God decides on its abrogation. The destruction of Jerusalem by Nebuchadnezzar and Titus is the way God abrogated the Law He had given to Moses. The same argument works against the dissenters, against Shīʿites or *taqlīdīs* inside Islam. ‘Alī’s followers reject as an injustice the succession order of the first four Caliphs. They say ‘Alī should have been the first after the Prophet. But breaking the line of transmission in Islam by putting the fourth in the first rank, deprives Islam of its main advantage over the Jews and the Christians, by undermining its flawless *isnād*. If *isnād* and history were not to be taken into account, Jews and Christians would prevail. On the other hand, those who blindly rely upon the imitation of their fathers—like the Mālikites in al-Andalus—should return to heathendom or Judaism. According to such principles, the heathen and the Jews, who came first, retain the upper hand.

Ibn Ḥazm’s demonstration implies that God changes His Laws, a point uneasy to concede in Aristotelian terms, since temporary decrees are unlikely to be the outcome of an eternal cause. Ibn Ḥazm argues that the religious Laws are made for men, and unfolded in the time and history of mankind, in spite of their divine and eternal origin—and he adds that, were the world faithfully to translate the divine Will, all of history would be produced in a single instant, since there is no delay between will and its achievement in God. The paradox is only one more sign of the human mind’s incapacity of grasping the divine mystery.⁷

⁷ See *Fīṣal*, vol. 2, p. 9, on God’s bounty, will and power.

From that rather traditional limit set to human understanding in the monotheistic creeds, Ibn Ḥazm draws some more original conclusions. According to the first and most important one, the Law lies beyond any human understanding. A man growing up alone on an island has no possibility of discovering the Law of Islam through observation and reasoning, because the Law is God's arbitrary will which exceeds the limits of human mind.⁸ Ibn Ḥazm disagrees in advance with Ibn Ṭufayl's *Ḥayy ibn Yaqẓān*. There is no natural religious Law, as the Law changes from era to era, from one people to another through history. From that unpredictable move, one can conclude that an unbroken *isnād* is the only guide to the truth. For God's commands cannot be deduced; so, they must be learnt and taught. God's law is a science by transmission, *naqlīyya*, and not by deduction (*ʿaqlīyya*), to put it in Ibn Khaldūn's terms.⁹ And its *isnād* requires a people, an empire, and a history. From the *Marātib al-ʿulūm*:

In every nation, every place and every time, sciences are divided into seven sections: the science of Law (*sharīʿa*), for every nation is bound to a creed, vain or true; the science of its history; and the science of its language. Nations differ only through those three sciences. As to the last four sciences, all nations join in them. These are astronomy, mathematics, physics—which is care of the body—and philosophy, which includes the knowledge of things as they have to be according to their definition, from general categories to individuals, and on the other side, metaphysics.¹⁰

On the *umma* side—understood as “nation” as well as “religion,” as it is determined by a Law as much as by a language in which this Law has been given—one finds the sciences of history, which makes the past present, and asserts the continuity of the language and of the Law. On the other

⁸ At least “arbitrary” because men are unable to understand its logic. See *Fīṣal* II, 22, on the refutation of the Muʿtazilite doctrine, which pretends to preserve God from the ‘injustice’ of children's death and sufferings. Ibn Ḥazm replies that there is no evil or ‘injustice’ in the world except by God's will. Islam allows men to marry several wives, but not wives to marry several men, and that might be seen as an injustice; some Muslims are slaves, and some others are their owners, and that might be seen as an injustice; death is inflicted upon ‘innocent’ animals, while infidels are prosperously living; the life of the Christian or Jewish *dhimmī* is protected by law in the territory of Islam—but the same Law allows Muslims to kill or enslave whatever Christian or Jew they can catch outside the borders of Islam, including women and children.

⁹ Consequently, a certain amount of historical knowledge is part of the Muslim creed. At the beginning of his *Jamharat ansāb al-ʿArab*, in order to justify his genealogical enterprise, Ibn Ḥazm states that a Muslim who wonders whether Muḥammad was a Yamānī or a Tamīmī should be charged with infidelity, as he knows nothing of his supposed Muslim religion. *Jamharat ansāb al-ʿArab*, ed. E. Lévi-Provençal, Cairo 1948, “Introduction,” p. 2.

¹⁰ *Marātib al-ʿulūm*, ed. Iḥṣān ʿAbbās, p. 78.

side are the universal sciences, whose achievements may be rediscovered at any moment, if lost, because every human mind has been endowed with the logical principles of those sciences—such as the fact that a sum is greater than any of its parts.

That classification of the sciences leads to a paradox that has nourished Ibn Ḥazm's thought and work: the *umma*, closed in its own Law, its own language and its own history, focuses on a much narrower scope of human existence than any of its individuals, who bears within him a much wider part of the complexities of the Creation. Such complexities include not only the universal sciences (from mathematics to logic), but also the everlasting attachments of human beings throughout time, I mean friendship and love, to which mystery Ibn Ḥazm dedicated so much of his time and work, not only in *Ṭawq al-ḥamāma*, but also in *al-Akhlāq wa-l-siyar*.¹¹

Friendship and love are all the more serious challenges to the law, as they often seem more powerful than the resolution to abide by the law. Everyone bears in himself the memory of an evening song, and that immense amount of feelings it still engenders, the *bāṭin* according to Ibn Ḥazm, or the “madeleine” according to Proust, the secret treasure of every single person. On the other hand, with the rest of the *umma*, the believer shares the *ẓāhir* of *hijrī* dating, of learning and teaching, in a word: the very tenuous thread that connects men and generations inside Islam—its history. It draws a very little and uneasy road between the great cliffs of passion, but it is the only road which leads to heaven. For the ultimate goal of the *umma*, the *raison d'être* of its Law, and consequently of its language and history, is to provide every believer with the necessary knowledge of what he will face on Doomsday. Creation is complexity and chaos, but salvation is in the simplicity of the *umma*. Thus, *hijrī* dating and history both appear when love passes by.

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¹¹ See Gabriel Martinez-Gros, *L'idéologie omeyyade*, Madrid 1992, pp. 203–223.

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PART II

LEGAL ASPECTS

IBN ḤAZM'S LITERALISM: A CRITIQUE OF ISLAMIC LEGAL THEORY¹

Adam Sabra

Ibn Ḥazm of Cordoba (384/994–456/1064) is a well-known, yet poorly understood figure in Western scholarship on medieval Islam. He has been the object of numerous studies dating back to the nineteenth century. Originally published in German in 1884, Ignaz Goldziher's *The Zāhirīs: Their Doctrine and their History. A Contribution to the History of Islamic Theology* is an important contribution to the study of Zāhirism, but Goldziher lacked access to Ibn Ḥazm's legal works.² Most subsequent studies have focused either on his literary output, especially his *Ṭawq al-ḥamāma*, or on his theological views, especially his views of Christianity and Judaism as expressed in his *al-Fiṣal fī l-milal wa-l-ahwā' wa-l-niḥal* and in his refutation of Ibn Nahrila.³ Other studies have dealt with his classification of the sciences and his ethics.⁴ There have also been a number of studies of his views on law, including his *uṣūl* and *furū'*, but many of these studies have generally focused on explicating his positions on specific legal debates or topics.⁵ In the Arab world, on the other hand, there has

¹ This paper was originally published in *al-Qanṭara: Revista de estudios árabes* 28 (2007), pp. 7–40, 307–348. The editors thank the editors of the journal for granting permission to include the article in the present volume.

² Ignaz Goldziher, *The Zāhirīs: Their Doctrine and Their History*, transl. Wolfgang Behn, Leiden 1971 [republished 2008, with an Introduction by Camilla Adang].

³ Miguel Asín Palacios, *Abenḥázam de Córdoba y su historia crítica de las ideas religiosas*, Madrid 1984; Roger Arnaldez, *Grammaire et théologie chez Ibn Ḥazm de Cordoue: essai sur la structure et les conditions de la pensée musulmane*, Paris 1956; Camilla Adang, *Muslim Writers on Judaism and the Hebrew Bible: from Ibn Rabban to Ibn Hazm*, Leiden 1996; Theodore Pulcini, *Exegesis as polemical discourse: Ibn Ḥazm on Jewish and Christian Scriptures*, Atlanta 1998; A. Ljamai, *Ibn Ḥazm et la polémique islamochrétienne dans l'histoire de l'Islam*, Leiden 2003.

⁴ Anwar G. Chejne, *Ibn Ḥazm*, Chicago 1982; Muḥammad Abu Laylah, *In Pursuit of Virtue: the Moral Theology and Psychology of Ibn Ḥazm al-Andalusī (384–456 AH 994–1064 AD): with a Translation of His Book Al-Akḥlaq wa'l-Siyar*, London 1990.

⁵ Camilla Adang, "From Mālikism to Shāfi'ism to Zāhirism: the 'conversions of Ibn Ḥazm,'" *Conversions islamiques: Identités religieuses en Islam méditerranéen = Islamic Conversions: Religious Identities in Mediterranean Islam*, ed. Mercedes García-Arenal, Paris 2001, pp. 73–87; eadem, "Ibn Ḥazm's Criticism"; eadem, "Ibn Ḥazm on Homosexuality: A Case-Study of Zāhirī Legal Methodology," *Al-Qanṭara* 24 (2003), pp. 5–31; eadem, "Islam as the Inborn Religion of Mankind: The Concept of Fiṭra in the Works of Ibn Ḥazm," *Al-Qanṭara* 21 (2000), pp. 391–410; eadem, "Women's Access to Public Space according to *al-Muḥallā*

been considerably more interest in Ibn Ḥazm as a legal theorist. A long-standing tradition of modernist Muslim thought has been fascinated with Ibn Ḥazm's critique of Islamic legal method. The roots of this fascination are in need of study, but one can point to certain key moments in modern Arab intellectual history: Aḥmad Muḥammad Shākir's 1928 edition of *al-Iḥkām fī uṣūl al-aḥkām* (reprinted a number of times, including a 1983 edition with an introduction by Iḥsān 'Abbās), Shākir's 1928–34 edition of *al-Muḥallā bi-l-āthār*, the 1940 Maṭba'at al-Anwār edition of *al-Nubdhā al-kāfiya fī uṣūl aḥkām al-dīn*, and Sa'īd al-Afghānī's 1960 edition of *Mulakhkhaṣ ibtāl al-qiyās wa-l-ra'y wa-l-istiḥsān wa-l-taqlīd wa-l-ta'līl*.⁶ Iḥsān 'Abbās' 1980–83 edition of the *Rasā'il* made some additional texts dealing with Ibn Ḥazm's polemics with the Mālikīs available, and Muḥammad Abū Zahra's 1954 study *Ibn Ḥazm: ḥayātuhu wa-'aṣruhu wa-fiqhuhu* provides a comprehensive account of Ibn Ḥazm's contributions to a number of fields, including Islamic legal method.⁷

Among the Western scholars, Goldziher was the first to argue that Ibn Ḥazm's Zāhirism constituted a consistent method which he applied across disciplines. Roger Arnaldez emphasizes the same point, focusing on elements of Ibn Ḥazm's views on language and theology. While Goldziher did not have access to Ibn Ḥazm's legal works, Arnaldez uses the *Iḥkām*, the *Nubadh* (= *Nubdhā*) and *Marātib al-ijmā'*. Arnaldez contrasts Ibn Ḥazm's views on legal theory with those expressed by al-Shāfi'ī in his *Risāla*. For Arnaldez, Ibn Ḥazm's theory of language is static, while that of al-Shāfi'ī is dynamic.⁸ It is this redefinition of the term *zāhir*, in such a way as to denote a manifest, fixed meaning, that underlies Ibn Ḥazm's whole approach to a variety of disciplines, including legal theory.⁹ After examining Ibn Ḥazm's treatments of analogical reasoning, abrogation, and consensus, Arnaldez concludes that Ibn Ḥazm's thought is a closed

bi-l-Āthār," *Writing the Feminine: Women in Arab Sources*, eds. Manuela Marín and Randi Deguilhem, London 2002, pp. 75–94.

⁶ Ibn Ḥazm, *al-Iḥkām fī uṣūl al-aḥkām*, ed. Aḥmad Muḥammad Shākir, Beirut 1983; idem, *Mulakhkhaṣ ibtāl al-qiyās wa-l-ra'y wa-l-istiḥsān wa-l-taqlīd wa-l-ta'līl*, ed. Sa'īd al-Afghānī, Damascus 1960. The edition I have used of the *Nubdhā* is: *al-Nubadh fī uṣūl al-fiqh al-Zāhiri*, ed. Muḥammad Ṣubḥī Ḥusayn Ḥallāq, Beirut 1993.

⁷ Iḥsān 'Abbās (ed.), *Rasā'il Ibn Ḥazm al-Andalusī*, Beirut 1987. The relevant texts are *Risālatān ajāba fihimā 'an risālatayn su'ila fihimā su'al 'anīf* and *Risāla fī l-radd 'alā al-hātīf min bu'd*. Abū Zahra, *Ibn Ḥazm*.

⁸ Arnaldez, *Grammaire et théologie*, p. 222.

⁹ Arnaldez, *Grammaire et théologie*, p. 226.

system which deprives Islam of "tout instrument d'adaptation et toute possibilité d'évolution."¹⁰

As we will see, the accusation that Ibn Ḥazm's system is closed is correct. For him, the divine message contained in the Qur'ān and Sunna is unambiguous and unchanging. At the same time, however, one must note that Arnaldez fails to observe one of the most important conclusions to be drawn from Ibn Ḥazm's arguments: Islamic law is closed because it is finite in scope. Unlike al-Shāfi'ī and mainstream Islamic legal theory, which empower the Muslim jurist to develop an infinite range of divine commands and prohibitions, Ibn Ḥazm argues that religious law is limited to the explicit texts of the Qur'ān, Sunna, and the consensus of the Companions. Influenced by Arnaldez' account as well as by the use of Ibn Ḥazm's work by some modern Arab legislators, Y. Linant de Bellefonds undertakes a systematic exposition of the medieval thinker's legal method.¹¹ He gives particular attention to Ibn Ḥazm's attack on the delegation of authority (*taqlīd*) and therefore on the *madhhab* system.¹² Thus, he prefers to label Zāhirism a method, rather than a school of law. In addition, he examines the application of that method in the *Muḥallā*, in an effort to determine whether Ibn Ḥazm's ideas could form the basis for a modern reform of Islamic law. He answers in the negative, concluding that Ibn Ḥazm's application of his legal theory leads to results similar to those reached in the "orthodox" schools of law.¹³ Although Linant de Bellefonds rejects the conclusion that Ibn Ḥazm is always narrowly dogmatic, he also concludes that he is not always liberal either. Rather, Ibn Ḥazm applies his method in a rigorous manner, regardless of where it may lead.¹⁴

In general, this conclusion is fair. Unlike some modern authors, who have determined in advance what conclusions they wish Islamic law to reach, Ibn Ḥazm genuinely attempts to understand the meaning of the sacred texts of Islam. This means that his conclusions will not always be to the liking of a modern, Western or Westernized liberal. At the same time, Linant de Bellefonds, like Arnaldez, fails to note that Ibn Ḥazm argues for the limited scope of the *Sharī'a*. Rather, he focuses on the possibility of using Ibn Ḥazm's method to reverse or overrule existing legal rules. Since

¹⁰ Arnaldez, *Grammaire et théologie*, p. 248.

¹¹ Y. Linant de Bellefonds, "Ibn Ḥazm et le Zahirisme juridique," *Revue algérienne, tunisienne et marocaine de législation et de jurisprudence*, 76 (1960), pp. 1–43.

¹² Bellefonds, "Ibn Ḥazm et le Zahirisme juridique," pp. 5–7.

¹³ Bellefonds, "Ibn Ḥazm et le Zahirisme juridique," p. 42.

¹⁴ Bellefonds, "Ibn Ḥazm et le Zahirisme juridique," p. 43.

many of the rules he wishes to reform are based on explicit texts from the Islamic canon, Ibn Ḥazm's works are of little help.

The most extensive review of Ibn Ḥazm's legal methodology in a Western language is undertaken by Abdel Magid Turki.¹⁵ Using the Andalusī Mālikī al-Bājī as a foil, Turki examines Ibn Ḥazm's legal theory in considerable detail. He makes a number of criticisms of Ibn Ḥazm's method. Most damning is his argument that Ibn Ḥazm's method, while logically consistent, leads to illogical or inconsistent conclusions.¹⁶ Having rejected analogical reasoning and other techniques for establishing universal principles in the law (such as *maqāṣid al-Sharī'a*), Ibn Ḥazm forfeits any chance of harmonizing the contradictory rulings of the *Sharī'a*. Turki is right to argue that Ibn Ḥazm's method leads to piecemeal rulings which he cannot harmonize with one another. On the other hand, however, Ibn Ḥazm never claims that God's law is, or should be, consistent and harmonious, only that the method by which God reveals it is consistent. Furthermore, as Ibn Ḥazm repeatedly points out, the use of analogical reasoning has not led to certain and harmonious results, but rather to a plethora of competing claims about God's law. In the absence of clear textual proof for one's argument, these claims are irresolvable. Consequently, the use of analogical reasoning does not lead to a more harmonious and consistent legal system. What it does do, in combination with the *madhhab* system, is to place enormous power in the hands of the jurists. The jurists have the task of arriving at a potentially infinite series of laws, each of which the layperson is obliged to follow for the sake of his or her salvation. Finally, one must suspect that at least some of the contradictions in Islamic law originate in the canon of sacred texts. So long as one accepts the validity of these texts, it is not possible to arrive at a perfectly harmonious set of laws.

My aim in this introduction is to undertake a reassessment of Ibn Ḥazm's legal theory based on one of his works, "The Sufficient Tract on the Rules [Derived from] the Sources of Religion" (*al-Nubdha al-kāfiya fī uṣūl aḥkām al-dīn*), the text of which I have here provided in a complete English translation. I will argue that Ibn Ḥazm's method is based on a relatively small number of principles which he derives from the text of

¹⁵ Abdel Magid Turki, *Polémiques entre Ibn Hazm et Bagi sur les principes de la loi musulmane*, Algiers 1973.

¹⁶ Turki, *Polémiques*, p. 311f.

the Qur'ān, whose wording he closely follows and even mimics.¹⁷ This method leads Ibn Ḥazm to reject the entire structure of Islamic law and its institutions as they existed in his time (and as they still exist today) in favor of a substantially more restricted view of the scope of religion. This narrowing of the scope of religious law, along with Ibn Ḥazm's commitment to rationalism, individualism, and anti-clericalism, have made him a figure of enduring interest, both within pre-modern Islamic intellectual history, and to modern Muslims in search of an alternative to the *madh-hab* system.

The *Nubdha* is a good choice to explicate Ibn Ḥazm's legal method for a number of reasons. First, Ibn Ḥazm wrote it with the intention of providing a summary of the arguments of "our larger book on this", that is, of his *Iḥkām*. Thus, although the *Nubdha* is much shorter than the *Iḥkām* (short enough to be translated here in its entirety), it is comprehensive in that it covers the main arguments of the larger work in an abbreviated manner. From a passage in the *Muḥallā*, it is clear that Ibn Ḥazm wrote the *Nubdha* before the *Muḥallā*, but clearly after his adoption of Zāhirism.¹⁸ Unlike *Marātib al-ijmā'*, which was written prior to Ibn Ḥazm's turn towards Zāhirism, the *Nubdha* represents his mature thought.¹⁹

The text of the *Nubdha* does present a few problems. The closest version one has to a critical edition is Muḥammad Ṣubḥī Ḥasan Ḥallāq's 1993 edition, published by Dār Ibn Ḥazm. Ḥallāq uses a manuscript from the Rāshidiyya Library in Pakistan, which was copied in 787/1385–6. With the exception of a few corrections in punctuation and wording, the 1993 edition is identical with preceding editions of this text. It appears that all existing editions depend on the same manuscript, or manuscript tradition. There is some disagreement about the proper title of the work, and some editors have entitled it *al-Nubadh fi uṣūl al-fiqh al-Zāhirī*. Following the example of Sa'īd al-Afghānī, and Carl Brockelmann, I have entitled the text, *al-Nubdha al-kāfiya fi uṣūl aḥkām al-dīn*, which seems likely to have been Ibn Ḥazm's original title.²⁰

¹⁷ For quotations from the Qur'ān, I have used Arberry, *The Koran Interpreted*. In some cases, it has been necessary to alter Arberry's translation in order to accommodate Ibn Ḥazm's understanding of the Qur'ānic text.

¹⁸ For the latest periodization of Ibn Ḥazm's works, see Ljamai, *Ibn Ḥazm*, Chapter Two.

¹⁹ Ibn Ḥazm, *Marātib al-ijmā'*. The doctrine of consensus expounded in this work is closer to that of conventional *uṣūl al-fiqh* texts. As will be clear from what follows, Ibn Ḥazm's conversion to Zāhirism led him to adopt a very different theory of consensus.

²⁰ See Afghānī's introduction to his edition of *Mulakhkhaṣ ibtāl li-qiyās*, p. 14.

Ibn Ḥazm begins his treatise by reminding his reader that God has imposed on mankind the obligation to obey Him and His Messenger; that one's very salvation depends on one's obedience to God's commands. Furthermore, he quotes God as saying in the Qur'ān, "Today I have perfected your religion for you," (Q 5:3) indicating that God's declared commands are already comprehensive and final. Unlike many Muslim jurists who have taken the comprehensiveness of Islamic law to be a warrant to extend the limited number of texts contained in the Qur'ān and the Sunna to the potentially limitless number of legal topics through the use of analogical reasoning and other techniques of legal reasoning, Ibn Ḥazm rejects any addition to this fixed body of completed texts. Indeed, he argues that God's promise to preserve "the Remembrance" (Q 15:9) guarantees that no valid proof text can be totally forgotten, such that it would be lost from the Qur'ān or Sunna. Nothing may be added or subtracted from the corpus of explicit proof texts, and no human authority can replace, add to, or subtract from, the authoritative sacred texts. "What is lawful in the age after the death of the Prophet (pbuh) is lawful forever, what was unlawful at that time cannot ever be lawful."

Having established this basic principle, Ibn Ḥazm moves on to discuss consensus "because there is a difference of opinion concerning it." In fact, Ibn Ḥazm rejects consensus (*ijmā'*) as it is usually understood by the Sunni Muslim community. Instead, he quotes the Qur'ān, "If it [the revelation] had been from other than God surely they would have found in it much inconsistency." (Q4:82) Disagreement is part of human nature, and only God can resolve such differences in a final manner. As such, it is futile to demand that people all share a single opinion, and even if they were to agree, this agreement would not constitute a command from God, and hence constitute *Shari'a*. Ibn Ḥazm does accept a kind of consensus, but limits it to the consensus of the Companions of the Prophet. Given that the Companions disagreed on so many things, he argues, any consensus they reached can only be attributed to having received that opinion from the Prophet, and, indirectly, from God. Attempts by later scholars to reach a consensus on a matter of law have no validity since by excluding the generation of the Companions they cannot include all of the Muslims, and because they substitute human for divine authority. Thus, the idea that consensus can be productive of new law is unacceptable to Ibn Ḥazm. For him, a consensus of the Companions is nothing more than a tradition passed down from the Prophet without a text. This consensus must be passed down by the Muslim community as a whole, and thus is not specific to the people of Medina, as many Mālikīs claimed. Once established,

a consensus cannot be abrogated without a clear text. That is, there is a presumption of continuity (*istiṣhāb al-ḥāl*). If a consensus appears that violates an existing rule, the only exceptions that may be made to the rule are those specifically indicated by that consensus. Ibn Ḥazm calls this “the minimum opinion” (*aqall mā qīl*). This last principle is clearly intended to limit the opportunities for jurists to use consensus as a way of voiding the rules contained in authentic texts.

Of course, there are relatively few rules that are determined by consensus, especially given the narrow definition of consensus permitted by Ibn Ḥazm. This leads him to consider reports (*akhbār*). Since the Qurʾān has been transmitted by a sufficient number of recurrent (*mutawātir*) narratives, one can be certain of its authenticity. The major source of disagreement, therefore, is the categorization of *ḥadīths*. The major problem is whether one should accept unique reports (*akhbār al-āḥād*). Unique reports are of three types: 1) those passed down by a single reliable narrator in each link of the chain of transmission (*isnād*) until it reaches the Prophet; 2) those passed down by single narrators, including one who is unreliable, has a poor memory or is unknown; 3) a chain which is missing a link, such as a follower narrating from the Prophet without an intervening companion.

Here we encounter another fundamental principle of Ibn Ḥazm's method—certainty. Since God obliges us to follow His rules, these rules must be clear and knowable with certainty. Of the three types of reports indicated above, one may only accept the first category—namely, those narrated by single individuals in a complete chain going back to the Prophet. The number of narrators is unimportant, but the second and third categories of reports must be rejected since there is doubt about their authenticity. Ibn Ḥazm sternly rebukes most of the Ḥanafis and the Mālikīs, whom he accuses of accepting these reports of unknown value, citing the Qurʾānic injunction, “O believers, if a grave sinner comes to you with a tiding, make clear, lest you afflict a people unwittingly, then repent of what you have done” (Q 49:6). For the same reason, one must not relate reports some of whose narrators are unknown, or whose memory is known to be poor. On the other hand, the number of narrators is unimportant. The Prophet entrusted important messages to individuals and acted on reports he received from individuals, so there is no reason to reject unique reports so long as their narrators are known to be reliable.

It may be objected that one cannot be certain that such reports are authentic, even if the narrators to whom they are attributed were reliable. After all, witnesses lie or are mistaken with disconcerting regularity.

It is possible that false reports have been attributed to reliable men and women, who, once deceased, cannot denounce these falsities. Ibn Ḥazm accepts that this is possible with regard to testimony, and notes that our responsibility is limited to acting in accordance with the information in our possession. Nonetheless, he rejects applying this principle to the revelation of God's law. God has guaranteed the preservation of the Remembrance and this means that no rule that belongs to the religion can be lost over time. What has been lost or is uncertain is not part of the religion of Islam. This does not mean that everyone knows the truth. At any one moment, there need only be one scholar who knows the truth to pass it on to the next generation. Knowledge is not distributed equally, and the truth lies with the one who can provide a certain proof for his opinion.

With regard to his opinion of the Companions of the Prophet, Ibn Ḥazm holds opinions typical of a Sunni Muslim. He regards all of the Companions as legitimate sources of reports from and about the Prophet. He believes that the Qur'ān testifies to the Companions truthfulness, so all of their reports must be accepted, provided there is a valid chain of transmission leading back to one of them. Nonetheless, the fact that a Companion acted contrary to a report he or she is supposed to have passed down from the Prophet has no effect on our obligation to accept the report. A Companion's deeds have no influence on *Sharī'a*, and they cannot be used to infer instructions from the Prophet. Although the Companions are reliable narrators, they are not immune from error, nor do their opinions constitute law. The only exception to this is the consensus of the Companions, for the reasons stated above.

Another fundamental principle of Ibn Ḥazm's method is clarity. God says in the Qur'ān, that He made the religion clear to the Prophet so that he may teach it to the believers (Q 16:89 and 16:44). As the name *Zāhirī* implies, Ibn Ḥazm argues that one must follow the "manifest" or "literal" (*zāhir*) meaning of the sacred texts. In general, one must accept texts at face value, unless one can produce another text that clearly indicates that another meaning was intended. God may also coin technical meanings for words (*ṣalāt*, *zakāt*, etc.), which is His right, since it is He who assigns meanings to words. Although Ibn Ḥazm does not discuss the use of figurative speech (*majāz*) in the *Nubdha*, he does do so in the *Iḥkām*. There he argues that God may use metaphorical meanings in place of literal ones, and that we can know when that is His intent because the literal meaning would be contrary to reason. For example, if a passage of the Qur'ān refers to the sky as if it were a living, sentient being, we know that

this must be meant metaphorically.²¹ When it is possible to understand a word in its literal sense, however, we must do so. To resort to allegorical interpretation under these circumstances is to distort God's speech from its intended meaning. Furthermore, if we allow others to deny that God's statements are intended literally, this opens up the door to a radical skepticism about language that would make communication impossible. Anyone could assert that any utterance was not meant literally.

The Qur'ān can be divided into three parts according to Ibn Ḥazm: those passages which are understood by all, those which are understood by none, and those which are understood by some. The disconnected letters that begin some chapters, as well as the oaths contained in the Qur'ān, cannot be understood by men and have no value as law. Otherwise, the entire Qur'ān is clear, although not all passages are understood by everyone all of the time. At any time, however, someone must understand the intent of each passage which expresses a law. Thus, although the meaning of all passages in the Qur'ān is not clear to every individual, the community as a whole cannot be ignorant of God's law.

The next principle that underlies Ibn Ḥazm's method is that of obtaining the maximum utility from the fixed canon of sacred texts. For example, when a word has more than one meaning, one must not restrict it to one meaning. All possible meanings are valid, provided they do not result in a logical absurdity. Similarly, when texts of the Qur'ān and the Sunna contradict one another, one must attempt to use them all, and not claim that one text has abrogated another, unless one has certain proof that this is the case. If one text is broader in meaning than the other, the more narrowly construed text constitutes an exception from the more general rule. It is unacceptable for us to speculate on the meaning of the text, or to guess at God's intentions in revealing a rule. Unless God specifically indicates His intent in the text, we have no way of ascertaining why He sent down a given rule. Ibn Ḥazm does accept that there are clear instances of abrogation, but we must be able to determine with certainty that this has occurred. Furthermore, once God abrogates one rule with another, the abrogating rule remains in force until the Day of Judgment, while the abrogated rule cannot be reinstated. Otherwise, it would be impossible to

²¹ *Iḥkām*, vol. 4, pp. 31–32. In the following section (p. 33), Ibn Ḥazm gives the example of a Mālikī who was so intent on denying the existence of *majāz* that he concluded that stones have rational minds.

be certain which rule applied or applies to which period of time. In all of this, the Sunna is the equal of the Qur'ān since they are both part and parcel of the same revealed law. Both are equally authoritative. In addition, God's ability to abrogate His revelations is limited. God only abrogates a rule, that is, a command or prohibition, that originates in His will. He does not abrogate information since this would mean that the abrogated information has been false. God always speaks truthfully and clearly.

Another example of Ibn Ḥazm's principle that we must make the maximum use of the sacred texts is that we are obliged to interpret God's and the Prophet's commands as obligations and their interdictions as prohibitions. We cannot assume that some commands indicate obligations while others indicate recommendations, or that some interdictions indicate prohibitions while others are intended to dissuade us, unless we can provide proof contained in an authentic text or consensus. When, however, God does not explicitly rule on a human act, we are not permitted to fill this gap using analogical reasoning or personal opinion. In the absence of a rule revealed by God, human acts are indeterminate (*'afw*), left without a legal rule (*matrūk*). In leaving many human acts without a ruling in the *Sharī'a*, God lightens man's burden since these acts are permitted. Furthermore, not all of the Prophet's acts indicate obligations. Unless the Prophet stated that a specific act was obligatory, his acts merely indicate that something is permitted, while his abstention from an act merely indicates permission to abstain from that act. God calls the Prophet a "good example" (*uswa ḥasana*) (Q 60:6), but this is not the same thing as saying that everything he did or did not do indicates a legal obligation or prohibition. Thus, while it may be meritorious to imitate the Prophet in all things, one is only required to obey specific commands and prohibitions.

Ibn Ḥazm is nothing if not an individualist. From the point of view of medieval Sunnism, however, this individualism could be quite controversial. There was a common view that one should adhere to the majority view of the community, and the doctrine of consensus is understood by Sunnis to support this principle. Ibn Ḥazm, on the other hand, is a fierce defender of the right of the individual to dissent. As we have seen, he believes that only one scholar in each generation need know the truth for it to be preserved and passed on. For that reason, he is willing to accept unique reports as valid, provided all of the authorities in the chain of transmission are known to be reliable. That one's opinion is shared by the majority is no proof, and even one person's reasoned objection is sufficient to refer the matter back to the Qur'ān and Sunna. Thus, he reinterprets "isolation" (*shudhūd*) to mean isolation, even of the majority, from the

truth, not the defense of a minority opinion. As an example of this point, he notes that the Caliph Abū Bakr disagreed with the other companions when he made war on the apostates. When the other companions realized that the Qur'ān supported Abū Bakr's actions, they accepted his opinion as authoritative.

The next principle is that human reasoning, while necessary to ascertain God's law from the sacred texts, cannot determine God's law independently of a clear command or prohibition from God. God's law issues from His will, and as such cannot be predicted by human reason. It is unacceptable to resort to personal opinion (*ra'y*) in determining God's law. No human being can usurp God's role as sole legislator, to do so would be a challenge to God's authority. This principle, combined with the principle that God has completed His religion by fixing the canon of sacred texts, leads Ibn Ḥazm to conclude that if God intended to legislate a law, He must have clearly communicated that law through the Prophet. Therefore, anything left unstated has no ruling in God's law.

The same logic leads him to reject analogical reasoning (*qiyās*). Analogical reasoning requires the jurist to identify a *ratio legis* (*'illa*) in an existing rule (usually contained in a text) which can be used to extend that rule to cases which are not covered by any existing rule. In theory, this allows the jurist to determine an infinite number of rulings based on a finite number of texts. Ibn Ḥazm argues that there is no basis for this practice. First, the various proof texts cited by jurists who advocate the use of analogical reasoning do not actually mention analogical reasoning at all. The proponents of *qiyās* have twisted the meaning of these texts in order to fabricate a justification for their own use of analogy. Analogical reasoning is not necessary since God has already provided all of the rules He wishes us to follow in the Qur'ān and Sunna. Since we cannot speculate on God's intention in commanding or prohibiting certain things, we have no business stating that we know what the *'illa* of a certain rule is, much less making analogies based on the supposed *'illa*.

For Ibn Ḥazm, the absurdity of using analogical reasoning to determine a rule of the *Shari'a* becomes clear when one considers the similarities that allow one to make analogies. Any given human act or created thing may have many different qualities. How can we claim to know which of these qualities carries with it the legal rule? Unless God specifically indicates the ratio, it is simply arbitrary to identify one characteristic as a basis for analogical reasoning. Clearly, analogical reasoning violates the principle of certainty, which we have seen is fundamental to Ibn Ḥazm's concept of *Shari'a*. This is not to say that every created thing is unique,

and therefore incommensurable. If this were the case, it would be impossible to generalize at all. Ibn Ḥazm acknowledges that different individual things may belong to the same genus and species, and therefore share the same legal rule, but this is not the same as asserting the existence of an *illa* shared by two different species. For example, two pigs (members of the same species) share the rule that they are impure, but this rule cannot be extended to other animals without a clear textual basis.

The obvious consequence of eliminating analogical reasoning as a legitimate tool to determine Islamic law is that the scope of Islamic law is reduced considerably. This does not bother Ibn Ḥazm. Citing both the Qurʾān and Sunna, he argues that God specifically leaves many matters indeterminate (*ʿafw*) in law, thus making them permitted. The Qurʾān says, “He created all for you that is in the earth”, (Q 2:29) and the Prophet said, “Whatever things He is silent about are indeterminate”. God’s law is comprehensive, but only in the sense that God, by His silence, allows His servants considerable latitude. Since God has not assigned a ruling to many things, human beings are free to choose.

Having opposed the use of analogical reasoning, Ibn Ḥazm also opposes the use of implied meaning (*dalīl al-khiṭāb*) and particularization (*khuṣūṣ*). Implied meaning means that if God indicates that a rule applies to a certain class of acts or things, then the opposite rule applies to acts or things that have different qualities. For example, if God indicates that herd animals are to be taxed at a certain amount, we cannot assume that this implies that non-herd animals must be taxed at a different amount. Ibn Ḥazm argues that one cannot logically combine analogical reasoning with “implied meaning”; the two are based on mutually exclusive assumptions. Analogical reasoning assumes that different things share the same characteristic which allows us to use a textually stipulated rule to arrive at a rule for something about which the sacred texts are silent. Implied meaning assumes that when we have a textually stipulated ruling we can assume that things not stipulated in text are subject to the opposite ruling. A proponent of these types of argument would no doubt reply that there is no contradiction since, in the case of analogical reasoning, the two things share a common ratio, whereas in the case of implied meaning, the ratio that is present in the textually stipulated rule is absent from the thing whose rule is not stipulated.

Ibn Ḥazm concludes his treatise with a polemic against delegating authority (*taqlīd*) to human experts. By delegating authority, he means accepting someone else’s opinion without proof. Of course, this is a direct attack on the *madhhab* system, which was (and is) based on the division

of Muslims into experts (sing. *mujtahid*) and laypersons (sing. *muqallid*). As one would expect, Ibn Ḥazm argues that God alone has the right to legislate in religion, and that this authority cannot be usurped by any human being. The Prophet, of course, merely passed on God's commands to us. The Qur'ān (Q 2:170) specifically forbids us from following blindly the teachings of our forefathers, which in the case of the Meccans would have been paganism. While we may follow an individual opinion of a jurist such as al-Shāfiʿī, Abū Ḥanīfa, Mālik, Aḥmad b. Ḥanbal, or one of the Companions, it is forbidden to accept all of their opinions. That is, we must inquire as to the basis of their opinions. Insofar as their opinions can be proven to be based on the Qur'ān and Sunna, we must accept them. Accepting all of the opinions of a certain jurist, however, would imply the delegation of authority to that jurist. No one is always right, and we are bound by religion to investigate every legal opinion before accepting it as God's law.

Ibn Ḥazm argues that the *madhhab* system has led Muslims into some obvious absurdities. First, laypersons, although not regarded as competent to decide on matters of law, nonetheless must choose which legal authority to follow. On what basis should they choose an authority? Can they ask for several opinions and then decide which one they like best? Furthermore, different schools of law prevail in different regions of the world. Is Islam a different religion in Khurāsān than it is in al-Andalus or in Yemen?

This hostility towards the delegation of authority has led some modern commentators to argue that Ibn Ḥazm is demanding the impossible from laypeople. Islamic law is too complex, and there are too many proof texts for every individual to be familiar with them all.²² As Muḥammad Abū Zahra points out, Ibn Ḥazm does not require each believer to be equally learned in Islamic law. He simply requires each individual, when consulting a more knowledgeable person, to ask for the proof text for his opinion. Thus, the diffusion of Islamic law is not fundamentally different from the diffusion of *ḥadīth*. Some persons are more knowledgeable than others, but no one can claim that his opinion is to be accepted without clear proof.

²² This is the view expressed by the first editor of the *Nubdha*, al-Shaykh Muḥammad Zāhid b. al-Ḥasan al-Kawtharī. For this quotation and a response in defense of Ibn Ḥazm, see Abū Zahra, *Ibn Ḥazm*, p. 279.

Ibn Ḥazm's independent reasoning (*ijtihād*) is something which every believer can practice. For him, independent reasoning simply means doing one's utmost to seek out the relevant text. So long as we do not substitute our own opinions for God's law, we will be rewarded for our efforts, even if we commit errors. For Ibn Ḥazm, there is no reason why *ijtihād* cannot be divisible. Each of us is knowledgeable about some aspects of Islamic law, if only in a limited way. Since that knowledge is no less valid than if we were familiar with many aspects of the law, we are entitled to give our opinion (*fatwā*) on those areas of the law that we know.

The consequence of this rejection of the delegation of authority is the creation of an Islamic "priesthood of all believers". The distinction that grew up between the *'ulamā'* and the laypeople in Islam crystallized into the *madhhab* system not long before Ibn Ḥazm wrote. He was well aware that this distinction between believers was an innovation, and he was determined to put a stop to it. His approach validated the right of every Muslim to seek knowledge, pass on that knowledge, and demand that others who claim knowledge provide proofs of their views.

Again, I would argue that these principles constitute a method. *Zāhirism* cannot be called a *madhhab*, since it rejects the division of believers into experts and laypersons, the fundamental basis for the establishment of a school of law. Even the results reached by Ibn Ḥazm in works such as the *Iḥkām* and the *Muḥallā* are merely provisional. The nature of Ibn Ḥazm's method is that it perpetually seeks the correct interpretation of the Qur'ānic text, and that it seeks to establish the canon of authentic traditions and to interpret them. Ibn Ḥazm had no interest in establishing a school of law that would replace the existing schools. Rather, he proposed a much more radical change in the way in which Muslims understood (and still largely understand) their relationship to the sacred texts of the Islamic tradition. His attack on the authority of experts threatened to reshape the way in which religious authority is constituted in Islam.

Unsurprisingly, this frontal assault on the *madhhab* system met with considerable resistance. It is not my intent here to review the history of *Zāhirism* after Ibn Ḥazm, or to examine the later influence his thought had on a variety of medieval Muslim thinkers. Despite the controversial character of his views, Ibn Ḥazm exercised considerable influence on a number of thinkers of the Almohad period, and on Sufi thinkers influenced by Muḥyī l-Dīn b. al-'Arabī's adoption of *Zāhirism*. My task in this introduction and in the translation that follows is to demonstrate the importance of Ibn Ḥazm's critique of Islamic legal theory for medieval

Islamic intellectual history, and to suggest why his ideas have been and continue to be of enduring interest.

The reasons for Ibn Ḥazm's importance can be stated simply. On the one hand, Ibn Ḥazm insists on taking the texts of the Qur'ān and the Sunna as authoritative and at face value. It would be incorrect, however, to characterize Ibn Ḥazm as a "fundamentalist." As we have seen, he clearly had little sympathy for those who insisted on the literal meaning of every passage, regardless of the plausibility of such a narrow understanding of the canon of sacred texts. While God is free to impose any set of rules He wishes on His creation, we are obliged to use reason to ascertain these rules from the relevant texts. Where God does not provide a rule, we are free to choose, but we cannot assert that these choices constitute divine law. The fact that Ibn Ḥazm allows us so much freedom to choose makes him a liberal, at least within the context of a religion based on sacred law.²³ Ibn Ḥazm's liberal critique of Islamic legal theory was a powerful attack on the religious establishment of his time, and it has lost little of its potency today.

* * *

The Sufficient Tract on the Rules [Derived from] the Sources of Religion

IBN ḤAZM OF CORDOBA

The Shaykh, the jurist, the Imām, the Ḥāfiẓ, the Wazīr, Abū Muḥammad 'Alī b. Aḥmad b. Sa'īd ibn Ḥazm of al-Andalus, of Cordoba, may God be pleased with him, said:

Praise God who created us and gave us sustenance, and who granted us hearing, sight, and hearts. We ask him to make us among those who are grateful to him. May God bestow the most complete, most excellent, and most pure blessings upon the Lord of the Messengers, Muḥammad, His

²³ Adang, ("Ibn Ḥazm on Homosexuality," p. 30) notes Ibn Ḥazm's relatively liberal views on homosexuality, but argues for caution in assessing the results of Ibn Ḥazm's distinctive methodology. In another study ("Women's Access to Public Space," p. 90), she argues that Ibn Ḥazm advocated greater visibility for women in religious and social gatherings than did his Mālikī opponents. In my view, Ibn Ḥazm's liberalism is inherent in his Zāhirism. Adang is preparing study of Ibn Ḥazm's legal views that should add further material to the discussion.

servant and Messenger. Upon him the most excellent and best greetings from his Lord, then from us; then upon his wives, his family, his companions, and their followers. There is no power or might save in God, the Sublime, the Almighty.

To begin:

May Exalted God grant us and you success in discharging the obligations that He has imposed on us and safeguard us from doing that which He has forbidden. When we wrote our long book on jurisprudence, and examined the opinions and arguments of our opponents, with Exalted God's help and favor we made clear the demonstrative proofs concerning all of this. Having asked God for guidance and having implored Him for His aid in making the truth clear, we decided to sum up these points in a short book that would be easy to understand and memorize, and, God, the all-powerful, the sublime, willing, would be a stair overlooking the contents of our large book on this. God is our sufficiency, and the blessings of the deputy.

Chapter

Know, may God have mercy on you, that our Lord did not expel us into the world that it should be our abode of residence, but that it should be a way station on our journey, a fortified stopping place. What is desired from us is only that we perform the obligations which our Exalted Lord has imposed upon us, which He sent to us with His Messenger, may peace be upon him. For this [purpose] He created us, for this reason He settled us in this abode, then to be transferred from it to one of the two [eternal] abodes. "Surely the pious shall be in bliss, and the libertines in a fiery furnace." (Q 82:13–14) Then He, may He be exalted, made clear to us who the pious are and who the libertines are, saying, may He be exalted, "Whoso obeys God and His Messenger, He will admit him to gardens underneath which rivers flow, therein dwelling forever; that is the mighty triumph. But whoso disobeys God, and His messenger, and transgresses His bounds, him He will admit to a Fire, therein dwelling forever, and for him there awaits a humbling chastisement." (Q 4:13–14)

We must ask, "How does one obey, how does one disobey?" We find that He, may He be exalted, has said, "We have neglected nothing in the Book." (Q 6:38) And He, may He be exalted, said, "And We have not sent down upon thee the Book except that thou mayest make clear to them that whereon they were at variance, and as a guidance and as a mercy to a people who believe." (Q 16:64) And He, may He be exalted, said, "O believers,

obey God, and obey the Messenger and those in authority among you. If you should quarrel on anything, refer it back to God and the Messenger, if you believe in God and the Last Day.” (Q 4:59) And He, may He be exalted, said, “Today I have perfected your religion for you.” (Q 5:3)

So, praise God, we are certain that the religion which our Lord made obligatory upon us and which He made our only salvation from Hell is made clear in its entirety in the Qur’ān, in the Sunna of His Messenger (pbuh), and in the consensus of the community, and that the religion has been completed; there is nothing to be added or subtracted from it. And He made us certain that all of this is preserved and kept accurate, for Exalted God said, “It is We who have sent down the Remembrance, and We preserve it.” (Q 15:9) It is true with a certainty which leaves no room for doubt that it is not permissible for anyone to issue a legal opinion, render judgment, or act in religion except on the basis of a text of the Qur’ān, an authentic text of a judgment rendered by the Messenger of God (pbuh) or a certain consensus of those in authority over us from which not one of them dissents. It is true that whoever forbids something or makes it obligatory, [his opinion] will not be accepted without proof. For no one but Exalted God can make something obligatory or forbid it. It is not permissible to transmit information about God except on the basis of a report originating with Him, may He be exalted. Licitness requires one who makes licit, prohibition requires one who prohibits, and obligation requires one who makes obligatory. There is no one who makes lawful, no one who prohibits, and no one who makes obligatory but Exalted God, creator and possessor of all. There is no god but He.

The Discourse on Consensus and What It Is

We begin with consensus because there is a difference of opinion concerning it. We say, and success comes from God, that it is correct to relate from God, the all-powerful, the sublime, the obligation to follow consensus on the basis of what we have mentioned and on the authority of [God], the all-powerful, the sublime, having said, “But whoso makes a breach with the Messenger after the guidance has become clear to him, and follows a way other than the believers’, him We shall turn over to what he has turned to and We shall roast him in Gehenna—an evil homecoming.” (Q 4:115) He, may He be exalted, censured differences of opinion and forbade them by His saying, may He be exalted, “And hold you fast to God’s bond, together, and do not scatter”, (Q 3:103) and by His saying, may He be exalted, “And do not quarrel together, and so lose heart, and your power

depart.” (Q 8:46) Religion is either consensus or disagreement. He, may He be exalted, relates that the disagreements do not come from [God], the all-powerful, the sublime. He, may He be exalted, said, “If it had been from other than God surely they would have found in it much inconsistency.” (Q 4:82) [Thus,] it is necessarily true that consensus comes from Him, may He be exalted. For the truth comes from Him, may He be exalted, and there is nothing in the world but consensus and disagreement, and [since] disagreement is not from Exalted God, nothing remains but consensus which without a doubt is from Exalted God. Whoever, having known this or this having been proven to him, violates [this consensus], deserves the threat mentioned in the verse.

We investigated this consensus which we are obliged to follow and we found it to be one of two types, not more.

Either it is the consensus of every age from the beginning of Islam until the end of the world and the coming of the Day of Resurrection, or the consensus of one age to the exclusion of others. It is not possible that the consensus which God obliges us to follow is the consensus of every age from the rise of Islam until the end of the world because if this were so, no one would be obliged to follow consensus because without a doubt there would be ages that come after him, so the consensus would not yet have been completed. Exalted God’s command would be invalidated by this. This is infidelity on the part of him who regards it as possible if he knows this and persists in [this opinion]. This type is certainly invalid, without a doubt. Only the second type remains. It is the consensus of one age, to the exclusion of others. We investigated this to learn which is the age whose people’s consensus is the one which Exalted God commanded us to follow and not violate. We found the opinions on this to be of three types, no more.

Either this age is one of the ages after the age of the Companions, may God be pleased with them, or it is only the age of the Companions, or the age of the Companions and any age after them whose people also agreed on something is consensus. We investigated the first opinion and found it to be false due to two sufficient proofs:

First, there is a consensus that it is invalid; [i.e.] no one has been of this opinion.

Second, it is an unproven claim and as such it is certainly invalid due to two proofs.

First, [God’s] saying, “Say: ‘Produce your proof, if you speak truly.’” (Q 27:64) So it is true that whoever lacks proof is not truthful in his claim.

Second, it is not impossible for an opponent to make a claim similar to his. One person may say it is the second age, while another says rather it is the third, and a third says rather it is the fourth. This is clear insanity, so this opinion is invalid, praise God.

We have investigated this second opinion, which is the opinion of one who says that the people of the age whose agreement is the consensus which Exalted God ordered us to follow are none other than the Companions, may God be pleased with them. We have found it to be true due to two proofs.

First, it is a consensus with which no one disagrees. There have never been two Muslims who disagreed concerning a matter on which all of the Companions, may God be pleased with them, agreed without a single one of [the Companions] disagreeing, a consensus whose validity is absolutely certain. This is a valid consensus which no one is permitted to violate.

Second, it is true that the religion has been completed due to His having said, may He be exalted, "Today I have completed your religion." (Q 5:3) If this is true, then it is invalid to add anything to [religion], and it is true that [the religion] has been completed. We have agreed that it is all stipulated by God, the all-powerful, the sublime. If this is so, then the only way to know that which does not come from Exalted God is through the Prophet (pbuh) to whom prophecy came from God. Otherwise, whoever attributes something to Exalted God about which he has not received knowledge from God, attributes to God that which he does not know. This is comparable to polytheism and Satan's advice. Exalted God said, "Say: 'My Lord has only forbidden indecencies, the inward and the outward, and sin, and unjust insolence, and that you associate with God that for which He sent down never authority, and you say concerning God such as you know not.'" (Q 7:33) And Exalted God said, "And follow not the step of Satan; he is a manifest foe to you. He only commands you to evil and indecency, and that you should speak against God such things as you know not." (Q 2:168–9)

Thus, since it is true that there is no way to know what Exalted God wills except through the Messenger of God (pbuh), religion can only come from Exalted God. The Companions, may God be pleased with them, are the ones who saw the Messenger of God (pbuh) and heard him. Their consensus on what they agreed upon is the consensus which one is obliged to follow because they transmitted it from the Messenger of God (pbuh) [who] undoubtedly [transmitted it] from Exalted God.

Then we investigated this third opinion that the consensus of the Companions is a valid consensus and that the consensus of the people of any

age after them is also a consensus, although there is no valid consensus on that by the Companions, may God be pleased with them. We found it to be invalid, because it must be one of three types.

Either the people of this age agree on what the Companions, may God be pleased with them, agreed on.

Or they agree on something on which there is no valid consensus or disagreement. Either because it is on a matter concerning which no opinion of any of the Companions, may God be pleased with them, has been preserved.

Or they agree on a matter concerning which the opinions of some of [the Companions] have been preserved, while [the opinions] of others among them have not.

If the consensus of the people of an age later than them is in accordance with the consensus of the Companions, may God be pleased with them, we can suffice with the consensus of the Companions, may God be pleased with them, and it is obligatory for those who come after them to follow [this consensus]. It is not possible for the consensus of the Companions to increase in its force of obligation due to the agreement of those who came after them, just as the disagreement of those who come after them, should they disagree, does not lessen it. Rather, he who disagrees with them and knowingly violates a certain consensus is an infidel, if this is proven to him and made clear to him, and he persists in denying the truth.

If the consensus of a later age is on a matter about which it was valid for the Companions, may God be pleased with them, to disagree, it is invalid. It is not permissible for consensus and disagreement to coincide on the same question, because they are opposites, and opposites never coincide. Since it is true that the Companions, may God be pleased with them, disagreed amongst themselves, it is not possible for the investigation which they regarded as licit to be forbidden to those who come after them and for [later scholars] to be prevented from exercising the independent reasoning which led to the disagreement on this question and which was permitted to those who preceded them, even if a person who comes after them provides a textual proof for the opinion in addition to the proof put forward by one of the Companions. For, as we have already said, the religion does not change. What was lawful in the age after the death of the Prophet (pbuh) is lawful forever; what was unlawful at that time, cannot ever be lawful. Exalted God said, "Today, I have completed your religion." (Q 5:3)

Another proof is that these people of a later age and those among the Companions who agree with them are certainly only some of the believers since those Companions, may God be pleased with them, whose disagreement on this matter is related, are not included among them. Thus, there is no doubt that they are some of the believers, and there cannot be a consensus. For consensus is only the consensus of all the believers, not the consensus of some of them. Because Exalted God stipulated this, saying, may He be exalted: "And those in authority among you. If you should quarrel on anything refer it to God and the Messenger, if you believe in God and the Last Day." (Q 4:59) If some, to the exclusion of others, are in agreement, this is a quarrel. In this case, Exalted God did not command one to follow some to the exclusion of others, but rather to refer it to Exalted God and the Messenger (pbuh). So, this opinion is certainly invalid, without a doubt, praise God.

Then we investigated the third section, the consensus of a later age on a matter on which neither the consensus or difference of opinion of the Companions, may God be pleased with them, has been preserved, but which is either on a matter on which the opinion of some of the Companions, may peace be upon them, to the exclusion of others has been preserved, or on which the opinion of none of the Companions, may God be pleased with them, is preserved. We found it to be invalid due to two proofs.

First, they are some of the believers, not all of them. The name all of the believers is never used for the people of any age after the Companions, may peace be upon them, because the best of the believers have preceded [the later generations]. Therefore, the people of every age after the Companions, may God be pleased with them, are only some of the believers, without a doubt. On this basis, it is false that this is the consensus of the believers, and Exalted God never obliged us to follow the way of some of the believers, nor to obey some of those in authority among us. As for the Companions, may God be pleased with them, in their age they were all of those in authority, since there was no one else [who preceded] them. It is certainly true that their consensus is the consensus of all the believers, without a doubt, praise God, Lord of the worlds. That opinion [that the consensus of later generations is valid] is entirely invalid, since it is not lawful for anyone to oblige as religion that which Exalted God did not oblige by mouth of His Prophet [pbuh]. Also, whoever [says he] is certain about this is without a doubt lying because it is not possible to determine or count the opinions of all of [the scholars of] the ages after the

Companions, may God be pleased with them, the Followers, and those who came after them, because they have spread over the earth, praise God, from farthest Sind, Khurasan, Armenia, and Azerbaijan, to the Arabian Peninsula, Iraq, al-Ahwaz, Fars, Kirman, Mukran, Sijistan and Ardabil, and all the lands in between.

It is impossible for anyone to know the opinion of every person in these countries.

By a clear proof, it is only correct to be certain of their consensus on matters upon which the Companions agreed.

This proof is that certainty is only valid on condition that every one of those persons who agrees with the consensus of the Companions, may God be pleased with them, is a believer. The opinion of one who disagrees out of ignorance of their consensus is nonsense, unworthy of consideration. Whoever intentionally violates it, knowing that it is their consensus, is an infidel. Thus it is invalid for him to be one out of the group of believers whose agreement constitutes consensus. This judgment does not apply to one who differs with the people of his own age; certainty is only valid for the consensus of the Companions, may God be pleased with them, because they were a limited number of people gathered in Medina and Mecca, and it is known with certainty that they were obedient to the Messenger of God (pbuh). Whoever considered it lawful to disobey [the Prophet] (pbuh) was not one of them; rather, he was outside the faith, expelled from the believers.

It is certainly valid, without a doubt, that the consensus that we are obliged to follow is none other than the consensus of the Companions, may God be pleased with them. It is not permissible for the people of any age after them to agree on an error, because Exalted God has guaranteed us that, "But they continue in their differences excepting those on whom thy Lord has mercy." (Q 11:118–9) According to the text of the Qur'ān, [this] mercy is only for those who do good. If it is known with certainty that there is no disagreement, then there must be a consensus on a truth which requires mercy; there is no [third] alternative. If it is not known with complete certainty that there is a consensus on a truth that requires mercy, then there is a disagreement; there is no [third] alternative. As the Qur'ān stipulates, and as we relate in the following tradition, it is impossible for there to be a consensus on something which does not require mercy. From 'Abd Allāh b. Yūsuf, from Aḥmad b. Faṭḥ, from 'Abd al-Wahhāb b. 'Īsa, from Aḥmad b. Muḥammad, from Aḥmad b. 'Alī, from Muslim b. al-Ḥajjāj, from Sa'īd b. Manṣūr and Abū l-Rabi' al-'Atakī and Qutayba, who said, from Ḥammād, and he is Ibn Zayd, from Ayyūb

al-Sakhtiyānī, from Abū Qilāba, from Abū Asmā' al-Rahbī, from Thawbān, he said, the Messenger of God (pbuh) said, "One group among my community will continue to make the truth manifest; those who wish to deceive them will be unable to harm them until God's decree arrives." Al-'Atakī and Sa'īd added in their narration, "while they are still like that."

'Abd al-Raḥmān b. 'Abd Allāh al-Hamdānī informed us, from Abū Ishāq al-Balkhī, from al-Farbarī, from al-Bukhārī, from al-Ḥumaydī, from al-Walīd b. Muslim, from Ibn Jābir, who is Ibn 'Abd al-Raḥmān b. Yazīd b. Jābir, he said, from 'Umayr b. Hānī, that he heard Mu'āwiya say, I heard the Messenger of God (pbuh) say, "One group among my community will continue to undertake God's work, and those who wish to deceive them, or who disagree with them, will be unable to harm them, until God's decree comes, while they are still doing this."

Abū Muḥammad, may Exalted God have mercy on him, said what we have said above concerning the invalidity of the third type invalidates the opinion of one who says, if one has authoritative knowledge about the opinion of some of the Companions, may God be pleased with them, and none of the others are known to have disapproved of that opinion, then this is a consensus on their part, because this is only the opinion of some of the believers as we have mentioned. Also, he who is certain that other persons agree with that opinion has followed what he knows nothing about, and this is a crime. Exalted God said, "And pursue not that thou hast no knowledge of; the hearing, the sight, the heart—all of those shall be questioned of." (Q 17:36) Let every person fear for himself before Exalted God. Let him consider that Exalted God will question his hearing, his sight, and his heart about what he said concerning matters he had no certain knowledge about. Whoever is certain about something about a person, who did not inform him of it directly, commits an act he has been warned against, and thus sins.

If it is said, [the Companions] were the virtuous and the first to adopt Islam; had they disapproved of something, they would not have remained silent about it. We say, and success comes from Exalted God, even if you are right that they all knew of it and remained silent, there is no way for anyone to say that this [knowledge] can ever exist, because the Companions, may God be pleased with them, dispersed in the lands, Yemen, Mecca, Kufa, Basra, al-Raqqā, Syria, Egypt, Bahrayn, and others. Thus it is true that whoever claims concerning an opinion narrated from one of the Companions, whether from the Caliphs or others, that they all were aware of it, has slandered them all, without a doubt. One may only have certain knowledge of their consensus on matters that it is manifest that they

knew about, such as the five prayers, fasting the month of Ramadan, the pilgrimage to the Ka'ba, the prohibition on the consumption of carcasses, blood, swine flesh, wine, and the rest of what they undoubtedly knew and certainly said, about which there is no doubt. This is despite the fact that only 138 of them are reported to have issued legal opinions, while [the total number of Companions] numbered more than 20,000. Thus, what the persons who hold this opinion suppose is undoubtedly false.

As for the Ḥanafīs, the Mālikīs, and the Shāfi'īs who use this to support their delegation of authority, they, of all God's creation, disagree the most with the group of the Companions, among whom no dissenter is known. For example, they disagree with what is authoritatively known from 'Alī and Ibn 'Abbās concerning the obligation for a menstruating woman to perform major ablutions for every prayer, or two combined prayers, and from 'Ā'isha that she should perform major ablutions every day before the noon prayer, although no one among the Companions, may God be pleased with them, is known to have disagreed. There are many such examples. We have collected in a book two hundred such controversial points, praise God.

Yes, [the adherents to the legal schools] disagree with valid consensuses, of which we have certain knowledge, such as their disagreement with all of the Companions, from the first of them to the last, in permitting the people of Khaybar an open-ended lease contract, saying to them, we may expel you, if we wish. This continued throughout the caliphates of Abū Bakr and 'Umar, without their being any dissent whatsoever. There are many such examples; we have investigated them as well. And success comes from Exalted God.

Chapter

As for those who say that consensus is the consensus of the people of Medina, due to their merit, and because its people witnessed the revelation of prophecy, this is mistaken for a number of reasons.

First, it is an unproven claim.

Second, the merit of Medina remains as it was. The majority of its people today are grave sinners, even infidels—the extreme Shī'īs. Our opinion, and we belong to God and to him we shall return, is in accordance with this.

Third, those who witnessed the revelation were none other than the Companions, may God be pleased with them, not those Medinans who

came after them. Those who came after [the Companions] in every city received their knowledge from the Companions.

Fourth, every difference of opinion that exists among the community exists in Medina, as we have previously written. Much praise to Exalted God.

Fifth, the Caliphs who were in Medina did one of two things, no more.

Either they explained the rules of religion to the people of the cities among their subjects, or they did not explain the religion to them. The people of Medina and others are equal in this.

If they did not explain it to them, this is a characteristic of evil [the like of] which Exalted God spared them. Therefore, these people's opinion is certainly wrong.

Sixth, some of the moderns have said this in order to justify delegating authority to Mālik b. Anas, rather than to all of the scholars of Medina. They cannot produce a single point of law on which all of the known jurists among the Medinan Companions and Followers agree, while the [scholars of] the rest of the cities disagree.

Seventh, as we have mentioned, they have disagreed with the consensus of the people of Medina on the lease contract, and on other matters.

Chapter

If people hold two or more opinions, and there is an authentic text which is evidence for one of them, [that opinion] is the truth, and the consensus of those who have the truth is the truth.

Chapter: On Two Types of Consensus

If the community agrees that something is licit, forbidden, or obligatory, and then one of them claims that this ruling has changed, his opinion is to be ignored unless he can produce a text. Otherwise, his opinion is wrong because it is a claim without the support of a consensus, a text from the Book, or a *sunna*. It is invalid, due to His saying, may He be exalted, "Say: 'Produce your proof, if you speak truly.'" (Q 27:64) It is true that whoever has no proof is not truthful—I mean in this matter.

As for if he produces a text containing a legal rule, and then a consensus specifies part of [that rule], one must follow the consensus, even if someone claims that this specification and the reexamination of the text are proof.

The proof of this is that the claim of specification here lacks a consensus and contradicts the text. Thus [this claim] is false.

First, what we call the presumption of continuity. For example, our opinion concerning the claim made by some people about the annulment of a marriage due to impotence or deformity. The marriage is valid by consensus, and can only end on the basis of a text or a consensus.

Second, what we call the minimum opinion. Such as when a text appears which forbids speaking. Then comes a consensus which regards some speech as licit. We do not regard speech beyond that authorized by the consensus to be licit. This is the ruling and explanation of consensus, praise God, Lord of the worlds.

Chapter: On the Discourse on Controversial Rulings

If there is no valid consensus, then quarreling and dispute must occur, due to what Exalted God said, "And those in authority among you. If you quarrel on anything, refer it to God and the Messenger . . .", (Q 4:59) and His saying, may He be exalted, "But they continue in their differences excepting those on whom thy Lord has mercy." (Q 11:118–9) As we have described, if there is no consensus, there must necessarily be a disagreement, because they are mutually exclusive. If one is absent the other must occur, there is no alternative. If this is so, one should consult the Qur'ān and Sunna which Exalted God obliges us to consult, when He says, may He be exalted, "If you should quarrel on anything, refer it back to God and the Messenger, if you believe in God and the Last Day." (Q 4:118–9) He, the all-powerful, the sublime, says about His Prophet (pbuh), "Nor speaks he out of caprice. This is naught but revelation revealed." (Q 53:3–4) It is true that all of [Prophet's] speech (pbuh) is prophecy from Exalted God if it relates to that which we rely on to worship our Exalted Creator, due to his saying (pbuh), "I am the most knowledgeable with regard to your religion", etc. He says, may He be exalted, "We have sent down to thee the Remembrance that thou mayest make clear to mankind what was sent down to them." (Q 16:44) Thus it is true that when there is a difference of opinion the only licit solution is to judge in accordance with the Qur'ān and Sunna.

Chapter: On Recurrent Narratives

The Qur'ān has been narrated in sufficient and recurrent narrations. The Sunna includes reports that are recurrent and those which are unique,

narrated by one trustworthy authority from another. At times there may be one trustworthy authority who narrates from two or three trustworthy authorities, or three who narrated from one. This is common, and [such reports] are authentic, properly preserved, and can be found if sought.

As for those reports which have been narrated by a sufficient number of authorities, no two Muslims disagree with the obligation to obey them, despite the fact that some [of the authorities] may have differed with regard to the details, they narrated their opinions, although they were certainly mistaken.

On the Unique Report and Its Types

As for a report that has been transmitted by one person on the authority of another; it falls into three categories.

First, a report transmitted by one reliable informant on the authority of another reliable informant until it reaches the Messenger of God (pbuh).

Or, a report transmitted in the same manner, one of whose authorities is a man who is unreliable, has a poor memory, or is unknown.

Or, a report transmitted in the same manner whose chain of transmission is known with certainty, such as a report that reaches a Follower, who then says, the Messenger of God (pbuh) said, is disconnected (*mursal*). If a Follower or someone of a later generation says, so-and-so the Companion reported from the Messenger of God (pbuh), this report is missing a link (*munqati'*).

We investigated these types and found some people who say, it is all the same, they must all be accepted; this is the opinion of all of the Ḥanafīs and Mālikīs. This is an error because the narrators of disconnected reports and reports missing a link are unknown. If their narrators are unknown, are they reliable or unreliable? It is not licit to reach a ruling on religion on the basis of the narration of an unknown narrator, whose status and manner of bearing tradition is unknown. He may be reliable and pious or a propagandist for heresy. All of this cannot be guaranteed with regard to an unknown narrator on whose authority a disconnected tradition is proven to be reliable. Exalted God has commanded us to put aside what we don't know. He, may He be exalted, said, "And that you say concerning God such as you know not." (Q 7:33) He, may He be exalted, said, "And pursue not that thou hast no knowledge of." (Q 17:36) Whoever accepts reports narrated by an unknown person, says concerning God and his Messenger (pbuh) that which he has no knowledge of, and this is not licit. The same is true of a narrator whose reliability is unknown.

As for reports narrated by an unreliable narrator, such an unreliable narrator is a grave sinner. Exalted God said, "O believers, if a grave sinner comes to you with a tiding, make clear, lest you afflict a people unwittingly, then repent of what you have done." (Q 49:6) Whoever makes a ruling on the basis of a disconnected tradition narrated by an unknown narrator, a deed attributed to a Companion, or a narrator whose reliability is unknown, has ignorantly afflicted a people. Even if he proceeds carefully, he will be one of those who repent of their sins.

Abū Muḥammad, may Exalted God have mercy on him, said, whoever is reliably known to falsely attribute unknown traditions by weak narrators to reliable narrators is either unreliable or his narrations should be categorized as disconnected. It is not permissible to accept his narration. One may say that he is of lesser status than the narrator of a disconnected tradition, because [the narrator of a disconnected tradition] may narrate it disconnected on the authority of a reliable narrator, and he may narrate it disconnected on the authority of an unreliable narrator. We have chosen to be more cautious by revealing the status of the narrator of a disconnected tradition. One who falsely attributes unknown traditions is not like that; he is more worthy of rejection.

In sum, it is only permissible for us to relate from Exalted God and His Messenger (pbuh), what Exalted God has commanded us to relate from Him. No text of the Qur'ān, reliable tradition, or consensus exists which requires one to accept a disconnected tradition, nor a tradition which is missing a link, nor the narration of a grave sinner, nor a narrator whose reliability is unknown, from Exalted God or His Messenger (pbuh). All that remains is what reliable narrators have related continuously from the Messenger of God (pbuh). We have investigated this and found two proofs whose acceptance Exalted God requires, without a doubt.

First, Exalted God's saying, "Why should not a party of every section of them go forth, to become learned in religion, and to warn their people when they return to them, that haply they may beware?" (Q 9:122)

God, the all-powerful, the sublime, does not require all of the believers to disperse to become learned in religion and warn their people about what they have learned. A party, in the language of the Arabs, in which the Qur'ān was sent down, and God said, "in a clear, Arabic tongue", (Q 26:195) is part of something. The word "party" is not specific to a certain number, rather it is word that can be used for one or more than one, as many as can exist, even millions, if they can be added to others.

We know with certainty that had Exalted God intended to specify a certain number, He would have made that clear, but He, the all-powerful,

the sublime, did not make this clear. We know with certainty that He intended one or more, since it is impossible for Him, may He be exalted, to alienate us and deceive us. He, may He be exalted, said, "We have made everything clear." (Q 16:89) Thus, it is valid to accept the oath of a single, isolated, narrator who is reliable in religion, and to accept his oath out of caution from the punishment feared from Exalted God for the sin [of omission]. Accepting his oath is none other than relating the report borne by the one who takes the oath.

Abū Muḥammad said, he is either a grave sinner or an upright person. Accepting the narration of a grave sinner is invalid, due to His saying, may He be exalted, "If a grave sinner comes to you with a tiding, make clear, lest you afflict a people unwittingly, and then repent of what you have done." (Q 49:6) All that remains is that he is just, so the obligation of accepting his oath is certainly valid, as is the obligation of accepting his word concerning what he relates that he has learned and has reached him from the Messenger of God (pbuh), transmitted by one reliable narrator from another reliable narrator, or by a reliable narrator from more than one person, or by more than one person from a reliable narrator. Success comes from Exalted God.

The second proof is the consensus of all of the nations, believers and unbelievers, that the Messenger of God (pbuh) sent his messengers to the tribes and kings, calling them to God, the all-powerful, the sublime. And he sent a commander to every region to teach them their religion and to execute upon them Exalted God's rulings in teaching them the rules of prayer, fasting, the alms-tax, the pilgrimage, holy war, and the rules in legal disputes, marriage, divorce, and sales, the licit, the illicit, and the obligatory, the licit and the illicit foods, drink, and clothes. There is no difference of opinion concerning this. [The Prophet] (pbuh) obliged them to obey these commanders during his (pbuh) lifetime while he was absent from them. Thus, it is true that this [obligation] continues until the Day of Resurrection.

And [this is] certainly [the case] after [the Prophet's] (pbuh) death, without a doubt, because the report of an upright man is binding, without exception. If someone objects, citing the tradition about Dhū l-Yadayn, that [the Prophet] (pbuh) did not believe him until he asked people, this is not a proof for [his objection]. For Dhū l-Yadayn only narrated to the Prophet (pbuh) a report concerning the Prophet's (pbuh) deed not concerning anything else. And informed him (pbuh) that he was mistaken, when he (pbuh) did not believe that he was mistaken. It was possible that Dhū l-Yadayn was mistaken. For this reason, and none other, the Prophet

(pbuh) proceeded cautiously. Otherwise, there is no difference of opinion that when one of his people came to [the Prophet] (pbuh), he would believe [that person], act on his narration, send a betrothed message and governor with him, and the like. He would send the alms tax collector alone or in twos and would thus present proof against those to whom the collector came and require them to pay their alms to the collector. He did likewise in everything in religion.

If it is said that messengers and the commanders [appointed by the Prophet] brought their reports with them, before them, or after them, we say, and success comes from God, there is no doubt that their companions did not accompany every ruling which the commanders and messengers narrated. Thus, this objection is certainly invalid, praise God, Lord of the worlds.

*Chapter: The Narration of an Upright Person with Poor Memory
is Not to Be Accepted*

For Exalted God commanded us to accept the oath of one who understands what he hears and one whose memory is poor does not understand what he hears. For understanding is merely comprehension and reflection on the legal command which one bears in order to issue it exactly as one hears it. It is impossible for one whose memory is poor and who is uncertain about the reports he bears to understand that which he is uncertain about and does not know precisely. Women, male slaves, and female slaves are no different in what we have mentioned, due to the generality of Exalted God's saying, "a group". There is a valid consensus that religion is obligatory upon women, male slaves, and female slaves, just as it is obligatory upon free persons and men, with no difference, although the ruling differs with regard to some of them where there is a proof text, but not without proof.

Chapter

When a report comes from a reliable narrator from similarly reliable narrators in a continuous chain back to the Messenger of God (pbuh) it is known with certainty that it is the truth from God, the all-powerful, the sublime. The reliability of a report obligates one to rule on its basis, if all of its narrators are agreed to be upright, or are among those whose uprightness has been proven, even if someone whose objection is invalid objects, or someone makes an invalid objection to one of them. The proof of this is Exalted God's saying, "It is We who have sent down the Remembrance,

and We preserve it". (Q 15:9) It is certainly true that He has obliged us to accept reports narrated by reliable narrators. Since Exalted God preserves the religion, it is certainly incorrect that He would oblige us to accept a false law, which Exalted God never commanded us [to obey].

This is something we have been assured by Exalted God's guarantee to us, unlike the testimony of witnesses. For Exalted God never guaranteed us that witnesses would only bear true testimony. Indeed, the Messenger of God (pbuh) has made it clear to us that they may bear false witness, when he said (pbuh), "Whomever I judge in favor of against his brother and refuses to accept the judgment is allotted a place in Hell." It is known that those who sought his judgment were not merely two adversaries, since one could be more articulate than the other in presenting his evidence. In some cases, the judgment was only based on the testimony of one whose testimony necessarily leads to the truth, while in others the judgment was determined by one's being more articulate than the other.

We know with certainty that he (pbuh) always judged rightly in the eyes of Exalted God. It is true that we are commanded to act in accordance with the testimony of those witnesses we think to be upright, even if, unknown to us, it be false, and that we execute one whom it would not be licit for us to execute if we knew that the witnesses were lying or mistaken, and, similarly, that we render judgment concerning property which it is forbidden for one who knows the hidden truth of the matter to order seized. It is the same with regard to sexual offenses. It is forbidden for us to make any of this licit, when it is present in religion. Similarly, we pay money to ransom a prisoner from an infidel or tyrant, and it is an obligation upon us to pay this money if it is the only way for us to gain his freedom, although it is forbidden for he who receives the money to [receive it]. Receiving divine laws is not like that, because they are the Remembrance whose preservation Exalted God guaranteed.

Similarly, we are certain that every tradition which only reaches us as discontinuous, or which is only narrated by an unknown narrator, whose reliability is unknown by the scholars, or whose lack of reliability is agreed upon or proven, is a false report which the Messenger of God (pbuh) never said and was never the basis for his reaching a legal ruling. For it is impossible that divine law be true except by means of Exalted God's guaranteeing the Remembrance which He sends down, which He revealed to His Prophet (pbuh) with [God's] guarantee, may He be exalted, that He has made all of the religion clear to us. Through these two proofs, we are certain that He did not leave anything out of the religion, nor will anything ever be lost from it. With every age, there must be a scholar who

knows what is concealed from others, and another must know what is concealed from him, so that the religion will certainly be preserved until the Day of Resurrection. And success comes from Exalted God.

Chapter

As for a narrator who appears to us to be upright, while another regards him as unreliable, and about whom he who disagrees with us is right according to Exalted God, similarly with a narrator about whom one person is ignorant, while another knows him to be upright, he who knows with certainty that the narrator who is upright is right according to Exalted God. But it is necessary that Exalted God not conceal the truth from His creation, nor conceal any of His religion from all of His creation, lest no one know the certain truth from falsehood. This is something which could only occur by Exalted God's guarantee to preserve the religion, and due to His bearing witness, may He be exalted, that He has perfected it, and that by it He has completed His blessing upon us and approved Islam for our religion. He said, may His mention be sublime, "Today, I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam for your religion." (Q 5:3)

Chapter

Whoever claims that a report about the Prophet (pbuh) about which it is true that it has been narrated by reliable narrators, is wrong, is not to be believed without clear proof from a reliable narrator who testifies that he met that narrator and that the narrator made a mistake and altered the report, or that the narrator admits that he made a mistake. Similarly, whoever claims that a valid report or verse from the Qur'ān has been abrogated or particularized, his opinion is false unless he quotes another text as evidence for this or a certain consensus on what he has claimed. Otherwise, his opinion is false, because Exalted God says, "O believers, obey God, and obey the Messenger." (Q 4:59) Whoever says that a verse or authentic report is abrogated, or that it is not to be interpreted as general, or not to be interpreted literally, is saying to us, do not obey this verse or this report; his statement is to be rejected. God's statement is truer and more credible. Had Exalted God intended what this person said, He would have made it clear in accordance with this person's claim. He, may He be exalted said, "Making clear everything." (Q 16:89) He, may He be exalted, said, "That thou mayest make clear to mankind what was sent down to them." (Q 16:44)

Chapter

It is impermissible for anyone to change the meaning of a verse from its literal sense, or to change the meaning of a report from its literal sense, because Exalted God says, "In a clear, Arabic tongue." (Q 26:195) He, may He be exalted, said, blaming a people, "They perverted words from their meanings." (Q 5:13) Whoever changes the meaning of a text from its literal meaning in the language without proof from another text or a consensus, claims that there is no clarification in the text. He has perverted the meaning of Exalted God's speech and His revelation to His Prophet (pbuh) and this is a terrible deed. Even if he were innocent of these great sins, he would be making an unproven claim.

It is not permissible for anyone to pervert any person's speech. How can it be with the speech of God, may He be exalted, and the speech of His messenger (pbuh) which is prophecy from God, may He be exalted. Whoever uses the opinion of a scholar to stir up controversy about this, the opinion of someone other than the Messenger of God (pbuh) is not proof. We have made it clear that whoever among them stirs up controversy, they, among all of Exalted God's creation, most frequently abandon the opinions of the Companions, may God be pleased with them, let alone others, while the *Zāhirīs*, among the partisans of tradition, may God be pleased with them, are those more assiduous in following and agreeing with the Companions, may God be pleased with them. We have made this clear, point by point, in our book entitled, "Reaching Understanding of the Characteristics." Praise God, Lord of the worlds.

It is obligatory to avoid altering the meaning of a text from its literal sense without another authentic text that reports that it is not intended literally. Concerning this matter, let us follow Exalted God's statement and the statement of His Messenger (pbuh) as he (pbuh) clarified [God's] statement, may He be exalted, "And have not confounded their faith with evildoing." (Q 6:82) By which, Exalted God meant infidelity. As [God,] the all-powerful, the sublime, said, "To associate others with God is a mighty wrong." (Q 31:13) Or unless there be a certain consensus, such as the consensus of the community that His saying, may He be exalted, "God charges you, concerning your children, to the male the like of the portion of two females", (Q. 4:11) did not refer to slaves, nor to the sons of daughters when there is a universal heir (*ʿāṣib*)—and there are many such similar cases. Or due to necessity that prevents one from interpreting that literally, such as His saying, may He be exalted, "Those to whom the people said, 'The people have gathered against you, therefore fear them.'" (Q 3:173) With

the certainty that come from intuition and experience, we know that not all of the people said, "The people have gathered against you." (Q 3:173) The proof of what we have said, that words should be interpreted in their literal sense, is Exalted God's saying in the Qur'ān, "In a pure, Arabic tongue", (Q 26:195) and His saying, may He be exalted, "We have sent no Messenger save with the tongue of his people, that he might make all clear to them." (Q 14:4) So it is true that explanation according to us is simply to interpret the words of the Qur'ān and Sunna according to the literal meaning and in accordance with the meaning for which those words were coined. Whoever wishes to shift the meaning from [their literal meaning] to an allegorical interpretation without a supporting text or a consensus slanders Exalted God and His Messenger (pbuh), contradicts the Qur'ān, makes unsupported claims, and perverts words from their meanings.

Also, it should be said to whosoever wishes to change the meaning of speech from its literal sense without any proof: this is what causes skepticism and the denial of the existence of truth, because whenever you or anyone else says anything, it could be said to you, this is not meant literally. Rather, you mean something else. Every time you reaffirm your meaning, it would be said to you, this too is not meant literally. And you will never be rid of those who say to you, perhaps the denial of the literal meaning is not intended literally. And so on, as you can see. And success comes from God.

Chapter

If a word occurs equally with two or more meanings in language, it is not permissible to restrict it to one meaning except on the basis of a text or consensus. Rather, speech should be understood in accordance with all of the meanings which occur in language. Due to what we have mentioned, one must censure whoever perverts words from their meanings. If an Arabic word occurs in the Qur'ān whose meaning is changed from its meaning in the language to another meaning, like "prayer" (*ṣalāt*), "alms tax" (*zakāt*), "fasting" (*ṣawm*), and "pilgrimage" (*ḥajj*). These words of the language have been changed to legal meanings which the Arabs did not previously know. This is not figurative usage, rather it is a valid assignment of a name. Because God is the creator of languages, we worship Him by calling these meanings by these names. If a word in the language occurs changed from its lexicographical meaning, Exalted God does not bid us worship Him by calling these meanings by these names. This is figurative usage, like Exalted God's saying, "And lower to them the wing of humbleness out of mercy", (Q 17:24) and the like.

Chapter

It is not permissible to say concerning a verse or an authentic report, this is abrogated, due to what we have mentioned that the opinion of whoever says that this is invalid because one must obey this text, unless one quotes another text which makes clear that it is abrogated or there is a certain consensus on its being abrogated. Otherwise, no one could make use of a text. But so long as it is possible for us to combine the texts of the Qur'ān and the Sunna, it is not permissible to leave them both aside, or to leave one of them aside, because they oblige one to obey equally. Neither is more entitled to the obligation of being obeyed than the other. [God], may He be exalted, says, "Whosoever obeys the Messenger, thereby obeys God." (Q 4:80) In those circumstances it is obligatory to make the minority an exception from the majority, since only in this way will one arrive at a way of making use of them all. If we are unable to do this, it is not permissible to arbitrarily combine them in a manner different from what we have mentioned, because it is an arbitrary choice without proof. Such as one saying, this text is to be used in this way, and that text is to be used in that way. This is not licit for him to say, because it is legislating religion, which Exalted God has not permitted.

We are not permitted to report on the intention of God, the all-powerful, the sublime, nor about the intention of the Messenger of God (pbuh) without a report on that coming from Exalted God or from the Messenger of God (pbuh). Among these reports is the authentic report of the Messenger of God (pbuh) forbidding facing or turning one's back on the direction of prayer when urinating or defecating, by way of Abū Ayyūb al-Anṣārī and others.

From Abū 'Umar, he saw the Messenger of God (pbuh) facing Jerusalem, with his back facing the Ka'ba, while relieving himself. Some people said, the prohibition is to be used when one is in the desert, and the license is to be used when one is indoors. This is mistaken because the Prophet (pbuh) never said, I have made this licit when one is indoors and prohibited it when one is in the desert. There is no difference between what these persons say and one who says, I only regard this as licit in Medina, if one is sitting on two bricks, otherwise, not.

It is impermissible to hold any such opinion, because that would be legislating religion, which Exalted God does not permit. What is obligatory in this case is none other than to act in accordance with the addition to the usual meaning of the source [text].

The proof of this is that we know that if there are two texts, one of which removes a duty, while the other makes the same duty obligatory, or one of which makes something licit, while the other contains a prohibition of the same thing, we know with certainty that those Muslims were with their Prophet (pbuh) a short time, when this duty was not obligatory for them and that thing was not forbidden to them. Therefore, we know with certainty that when the Prophet (pbuh) pronounced this thing obligatory or forbade what he forbade, that the first situation has been abrogated and has come to an end; this is certain, no doubt about it. It is invalid to leave aside what one is certain has been abrogated. If this were permissible, it would be permissible for the first situation, which one is certain has been abrogated, to return, and for the second situation, which one is certain is the abrogator, to be invalidated. If this happened, what they did would amount to leaving certainty aside and rendering judgment based on one's surmise. Exalted God has forbidden this, saying, "They have not any knowledge thereof; they follow only surmise, and surmise avails naught against truth." (Q 53:28) He, may He be exalted, said, "Beware of surmises, they are the most false speech." How can one do this, when we are certain and we are witnesses to Exalted God's testifying He, may He be exalted, has guaranteed us that He preserves the Remembrance and the religion, and that it has been perfected. For if the abrogator had been abrogated, this would have been made perfectly clear. Since He, may He be exalted, did not do this, we bear witness to God's testimony, may He be exalted, that the abrogator remains the basis for judgment until the Day of Judgment, and that the abrogated remains abrogated until the Day of Judgment. We do not doubt this. It is not at all possible for something in religion to be so obscure that the truth is hidden from everyone, and a ruling must be made on it on the basis of surmise. We disavow ourselves before Exalted God from this opinion, just as we disavow ourselves before him, may He be exalted, from polytheism. Praise God, Lord of the worlds.

Chapter

Hastening to obey God's commands is an obligation, due to his saying, may He be exalted, "And hasten to forgiveness from your Lord, and to a garden whose breadth is as the heavens and the earth, prepared for the god-fearing." (Q 3:133) Whoever delays does not hasten unless a text makes his delay licit. He delays [performing his duty], as occurs in making it licit to delay prayer until the end of its time frame.

Chapter

It is not possible for the time frame in which it is obligatory to act in accordance with this command to be delayed, since this delay would contain concealment. We have been given a guarantee against Exalted God's concealing His religion from us. Rather, He has made it clear on the tongue of He whom He imposed the obligation of making it clear, and success comes from Exalted God.

Chapter

The Qur'ān can abrogate the Qur'ān, and the Sunna can abrogate the Qur'ān too. Exalted God said, "Nor speaks he out of caprice. This is naught but revelation revealed." (Q 53:3–4) If this is so, then it all comes from God, may He be exalted, and His revelation. One is called the Book and the other is called Sunna and wisdom. He, may He be exalted, said, "And remember that which is recited in your houses of the signs of God and the Wisdom; God is all-subtle and all-aware." (Q 33:34) If it is said, the Sunna is not of the same kind as the Qur'ān, nor better than it, it is merely an explanation of the Qur'ān, we say, and success comes from Exalted God, the Sunna is like the Qur'ān in one's being obliged to obey it, provided the Sunna is authentic. He, may He be exalted, said, "Whoever obeys the Messenger, thereby obeys God." (Q 4:80) Abrogation is a clarification and the lifting of a command. The abrogator makes it clear that the abrogated judgment has been lifted and its command has come to an end. He, may He be exalted, said, "That thou mayest make clear to mankind what was sent down to them." (Q 16:44) A report may bring something better than what is in the Qur'ān with respect to gentleness and lightening one's burden. The Qur'ān may also clarify the Sunna. He, may He be exalted, said, "Making clear everything." (Q 16:89)

Chapter

It is only possible for commands or reports, the meaning of whose words is a command, to be abrogated. It is not possible for information to be abrogated, since it would then be false. Exalted God is above that, as are His Messengers. As for the evidence of the validity of abrogation, it is Exalted God's saying, "And for whatever verse We abrogate or cast into oblivion, We bring a better or the like of it." (Q 2:106) And success comes from Exalted God.

Chapter: On Commands and Prohibitions

All of the commands of Exalted God and His Messenger (pbuh) are obligatory duties, and all of the interdictions of Exalted God and His Messenger (pbuh) are prohibitions. As we have said with regard to abrogation, it is not licit for anyone to say concerning one of them, this is a recommendation or a dissuasion without an authentic text that makes this clear or a consensus. He, may He be exalted, said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." (Q 24:63) And He, may He be exalted, said, "Whatever the Messenger gives you, take; whatever he forbids you, give over." (Q 59:7) The meaning of recommendation and dissuasion is, if you wish, do it, if you do not wish, don't do it; this is their lexicographical meaning. One does not understand do it, if you wish to mean don't do it, nor does one understand don't do it, if you wish to mean do it. Whoever claims this claims the impossible. Exalted God has imposed upon us the obligation of obeying his Messenger (pbuh) so whoever says, this command is a recommendation, this prohibition is dissuasion, is really saying, you are not obliged to obey this command or this prohibition. This is a naked contradiction of God, the all-powerful, the sublime.

Chapter

Permissibility falls into three parts: a recommendation where one who delays performing the action does not disobey God, nor will one be rewarded by abstaining from the action; a dissuasion, where one will be rewarded for abstaining from it, but will not sin or be rewarded for performing it; and absolute permission where one will not be rewarded for performing it or abstaining from it, nor sin by performing it or abstaining from it.

Chapter: On Acts

The Prophet's (pbuh) acts are recommended, not obligatory, unless they contain a statement of command or a statement that a judgment should be carried out, such as his (pbuh) saying, "Your blood, property, honor, and flesh [literally, skin] are forbidden to you", then we find that the Messenger of God (pbuh) shed blood, broke skin, or made someone's property or honor licit. We know that carrying out this act on his (pbuh) part was an obligation because, having forbidden this, he never made some of it licit unless that was an obligatory duty. This is true if it occurs in

the context of a command, such as his reporting, whoever does such-and-such, such-and-such is incumbent upon him, and he punishes whoever does this, after which he himself (pbuh) performs a certain act, this is an obligation, because it is a statement of command. If it lacks a command, then it is only replacing prohibition with licitness, because we are certain that it has shifted from prohibition to licitness, and there is doubt about its being obligatory.

The proof of what we have said concerning his acts is the Prophet (pbuh) saying, "Were it not a burden for my community, I would have commanded them to use the toothpick (*siwāk*) before every prayer." He (pbuh) frequently used the toothpick and he states unequivocally that had he commanded them to do that it would be obligatory and be a burden for them. Since he did not command them to do so, they are not obliged to do it.

Also, what was narrated by 'Abd Allāh b. Yūsuf, from Aḥmad b. Faṭḥ, from 'Abd al-Wahhāb b. 'Īsā, from Aḥmad b. Muḥammad, from Aḥmad b. 'Alī, from Muslim b. al-Ḥajjāj, from Zuhayr b. Ḥarb, from Yazīd b. Hārūn, from al-Rabī' b. Muslim al-Qurashī, from Muḥammad b. Ziyād, from Abū Ḥurayra, the Messenger of God (pbuh) preached to us, "'O people, God has imposed the pilgrimage upon you, so make the pilgrimage.' A man asked, 'Every year, Messenger of God?'" He said, "then he was silent, having asked three times. The Messenger of God (pbuh) said, If I said yes, it would be obligatory and you would be unable to do it. Leave alone what I have left to you. Your predecessors were destroyed by their frequent questions and by their quarreling with their prophets. If I command you to do something, do it as best you can. If I forbid you from doing something, cease doing it."

There is notice here of the invalidity of analogical reasoning and the lack of veracity of its surmises. If one compares the pilgrimage to prayer, which is repeated five times every day and night, to fasting, which is obligatory every year, and to the alms tax, one would not find why they are obligatory. Such a person should be answered with rejection and told to cease asking questions as Exalted God commanded. This is proof that no one has the right to introduce a new judgment concerning a matter on which God is silent.

Abū Muḥammad said, these two reports are valid proof that obligatory duties are obligatory, and that the claim that they are recommended or that [judgment based on them] is suspended are false. The second [report] [indicates] that those commanded by God are obliged to do what he

commands to the best of their ability, and to abstain from what He forbids. Whatever He has left without a ruling, neither commanding nor forbidding, is undecided, left without a legal ruling. So we know intuitively that what [God] has neither commanded nor forbidden is neither obligatory nor prohibited and [those of the Prophet's] acts which [God] neither commanded nor forbade are neither obligatory nor prohibited. Also, Exalted God said, "O believers, question not concerning things which, if they were revealed to you, would vex you; yet if you question concerning them when the Qur'ān is being sent down, they will be revealed to you. God left those things undecided, for God is all-forgiving, all-clement." (Q 5:101) It is true that whatever was not sent down in the Qur'ān and revelation is undecided and [the Prophet's] acts (pbuh), which were not obligated by that which was sent down in the Qur'ān are undecided. He, may He be exalted, said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." (Q 24:63) Punishment only results from violating the command which He announced. He, may He be exalted, said, "You have a good example in God's Messenger." (Q 33:21) He, may He be exalted, instructed us to imitate [the Prophet's] (pbuh) actions.

If it is said, Exalted God said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement", (Q 24:63) and this includes [the Prophet's] (pbuh) acts, because the state is expressed by the command.

We say, a command differs from a conclusion reached by surmise, that is, a state. We say, and success comes from Exalted God, this is impossible because Exalted God's lightening our burden by the Prophet's (pbuh) being silent on certain matters, by there being no revelation sent down dealing with them, is a supererogatory act, and supererogatory acts cannot be abrogated. Also, this verse was only revealed immediately after the mention of those who slip away surreptitiously, seeking refuge from him and his prayers. It is true that the command mentioned in the verse is only a spoken command. Also, there is no difference of opinion that the acts of the Prophet (pbuh), in and of themselves, are not obligatory upon him, and are not obligatory because they are not obligatory in principle, and so cannot become obligatory upon us by a mere claim, without their being commanded.

Abū Muḥammad, may Exalted God have mercy on him, said, there is no evidence in His saying, may He be exalted, "Whatever the Messenger gives you, take; whatever he forbids you, give over", (Q 59:7) to support one who says that the Prophet's acts, in and of themselves, are obligatory.

Because “giving” in the language of the Arabs means “bestowing”. Bestowing is never used in the language to mean acts. It only refers to the commands and prohibitions, especially since a verse has reached us in which He says, the all-powerful, the sublime, “Whatever he forbids you, give over.” (Q 59:7) If the Prophet’s acts, in and of themselves, indicated obligation, we would be obligated beyond our capabilities to walk where the Messenger of God (pbuh) walked, to eat as he ate, to drink as he drank, yes, even to reside where he resided, and the like of that.

There is a consensus that it is invalid for this to be obligatory. It also conflicts with our following him because the real meaning of following [the Prophet] is that whatever is licit for him, and nothing licit has been made obligatory upon him, is not obligatory upon us, and whatever he (pbuh) was permitted to abstain from, we are permitted to abstain from. There is only merit in it for us, just as there was merit in it for him, no more.

We must not particularize some acts to the exclusion of others and differentiate between different types without any proof, except with regard to those acts which are commanded, since commands make these acts obligatory, not the acts in and of themselves. If someone says, Exalted God says, “You have had a good example in them for whoever hopes for God and the Last Day. And whosoever turns away, surely God is the All-sufficient, the All-laudable.” (Q 60:6) They said, His saying, “Whoever hopes for God and the Last Day. And whosoever turns away, surely God is the all-sufficient, the all-laudable”, (Q 60:6) is a threat and a warning. Then, His saying, “Surely God is the all-sufficient, the all-laudable”, (Q 60:6) is a reinforcement of the threat and the warning. The meaning of this text is not as he has interpreted it. There is no threat at all in His saying, may He be exalted, “Surely God is the all-sufficient, the all-laudable.” (Q 60:6) If it imposed an obligation or was a threat or a warning, these words would threaten those who hope for God and the Last Day. Since the text reads the words, “For whoever hopes for God”, (Q 60:6) it is true that it is in favor of the people who possess this characteristic, not against them. This is perfectly clear.

Also, one does not say about what is obligatory upon us, “You have had in the Messenger of God”, (Q 33:21) concerning this duty being obligatory upon him, “A good example.” (Q 33:21) Also, if the Prophet’s acts were obligatory, as his commands are, nothing would remain for him (pbuh) to be a good example of, and the meaning and point of the verse would be invalid. This is impossible.

Another aspect is that Exalted God only recommended the Muslims, not the infidels, to imitate the Prophet (pbuh). It is the Muslims who hope for Exalted God and the Last Day. He never recommended that any infidel imitate the Prophet (pbuh) in this verse, nor are they prevented from doing so either. Thus, the claim that these words are a threat is totally false. And success comes from God.

As for His saying, “And whosoever turns away, surely God is the all-sufficient, the all-laudable”, (Q 60:6) this is a independent judgment, sufficient to indicate its ruling, unconnected to what precedes it. And what precedes this passage has no need of it and is unconnected with it. There is no proof of this at all, so they have made a second unproven claim. Also, were we to say concerning His saying, may He be exalted, “And whosoever turns away.” (Q 60:6) God has no need of whoever turns away, in accordance with the literal meaning of the verse. Whosoever turns away says that [the Prophet] (pbuh) is not a good example for me, not even in that which he is a good example of. Whoever says this is an infidel. This truly is the one who turns away from the verse, not whoever abstains from imitating the Prophet, without refusing or disliking this imitation. If this were the case, this would be an irrefutable statement. This is perfectly clear. Also, those who hold this opinion, stick to it in very few questions, and abstain from innumerable acts of his (pbuh) so they have contradicted themselves. If they claim that there is a consensus that the Prophet’s acts are not obligatory this is another baseless claim and slander against the community. Every claim that lacks proof of its veracity is false. Exalted God said, “Say, ‘Produce your proof, if you speak truly.’” (Q 27:64)

Another Chapter

If one scholar disagrees with the rest, there is no proof in numbers because Exalted God says, having mentioned the righteous, “Few they are.” (Q 38:24) He, may He be exalted, said, “If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day.” (Q 4:59) One person’s disagreement is a sufficient quarrel to oblige one to refer it to the Qur’ān and Sunna. Exalted God never commanded one to refer it to the majority. Isolation is contradicting the truth, even if they are not one but the population of the whole earth.

The proof of this is that isolation is worthy of censure and the truth is worthy of praise. It is not possible for what is worthy of censure to be worthy of praise in any respect. Whoever differs with this opinion should be asked about the dissent of two persons against the opinion of the group, then the dissent of three persons against them, then four, and so

on forever. If he defines a limit, he is being arbitrary, without a proof. Abū Bakr, may God be pleased with him, disagreed with the mass of the Companions, may God be pleased with them, and was isolated from them all concerning making war on the apostates. It was he who was right, those who disagreed with him were wrong. The proof of this is that the Qur'an testifies in favor of his opinion, hence they all returned to it.

Chapter

There is no ruling concerning an act performed mistakenly, from forgetfulness, or under compulsion except where a text obliges a ruling concerning it. Otherwise, none of these things invalidates an act or validates it. An example of this is one who is forced to walk while praying, or who forgets. His prayer is complete. Or one who forgets and prays before the prescribed time or is compelled to do so will not be rewarded for his prayer. The same is true for everything.

The proof of this is His saying, may He be exalted, "There is no fault in you if you make mistakes, but only in what your hearts premeditate", (Q 33:5) and the authentic reports from the Prophet (pbuh) that He forgave His community their errors, forgetfulness, and that which they are compelled to do.

Chapter

No act in divine law is valid without an intention continuous with beginning the act, when no period of time at all intervenes between the intention and entering into the act.

The proof of this is Exalted God's saying, "They were commanded only to serve God, making the religion His sincerely, men of pure faith", (Q 98:5) and [the Prophet's] (pbuh) saying, "One's acts are judged in accordance with one's intentions, to every person what he intends." It is clear that all the deeds of the divine law are worship and religion. Exalted God merely commanded us in the text of the Qur'an to perform all of this with sincerity. Sincerity is purposing this in one's heart, which is intention itself.

Chapter

Everything which is certainly true cannot be invalidated by doubt, whether it be ritual purity, divorce, marriage, ownership, manumission, life, death, faith, polytheism, conveyance of property, transfer of ownership, etc.

The proof of this is His saying, may He be exalted, “And surmise avails naught against truth.” (Q 53:28) Doubt and surmise are the same thing because both of them are the absence of certainty. Although surmise is closer to one side, it is not certainty, and whatever is not certainty is doubt, and it is not licit to be certain about it.

Chapter

Every act in divine law is either conditional on its being performed within a timeframe whose beginning and whose end are defined, or on a timeframe whose beginning is defined and whose end is undefined. It is not permissible to perform an act that is conditional on its being performed in a timeframe whose beginning and end are defined, outside of that timeframe, neither before its timeframe, nor after it, without there being a text or a consensus on the validity of performing it outside of its timeframe which he observes. Otherwise, [such an act is] not [valid]. Such as prayer, fasting Ramadan, pilgrimage, slaughtering, etc. One will not be rewarded for performing an act which is conditional on being performed within a time frame whose beginning is defined and whose end is undefined, before its time frame. Once it becomes obligatory due to the beginning of its time frame, it never lapses, like the alms tax, expiations, the making up of a missed obligation by a traveler, a sick person, a menstruating woman, a woman in childbed, or a person who vomits in Ramadan, and the like.²⁴

The proof of this is the statement of God, the all-powerful, the sublime, “Those are God’s bounds; do not transgress them”, (Q 2:229) and His saying, may He be exalted, “Those are God’s bounds; whosoever trespasses the bounds of God has done wrong to himself”, (Q 65:1) and the statement of the Messenger of God (pbuh), “Whoever performs an act in a manner which we have not commanded, is rejected.” Everyone possessed of his senses knows with certainty that whoever intentionally says a prayer before its time frame or after the end of its time frame, intentionally fasts Ramadan before its time frame or after its time frame, pays the alms tax before its time frame, or makes the pilgrimage before its time frame, transgresses the bounds of God and thus does harm to himself, his deed is harmful, and he will not be rewarded for obedience. Similarly, everyone knows without a doubt that he has performed an act which Exalted

²⁴ Due to an apparent scribal error, all published editions of the *Nubdha* read *mubqī* instead of *mutaqayyi*. For the correct reading, see *al-Muḥallā*, vol. 4, p. 313.

God has not commanded, and performed his act inappropriately, so it is rejected, without a doubt.

Chapter

Whatever is valid without regard to time on the basis of a text or consensus can only be invalidated by a text or consensus. Whatever is not obligatory can only become obligatory on the basis of a text or consensus.

The proof of this is His saying, may He be exalted, "O believers, obey God, and obey the Messenger and those in authority among you." (Q 4:59) So it is true that nothing is obligatory except on the basis of a text or consensus. Once something becomes valid on the basis of a text or consensus, whoever claims that it is invalid without the support of a text or consensus opposes his own rejection to Exalted God's command. His command is certainly rejected and discarded. As for God's command, it is accepted and binding. Similarly, whoever wishes to make something binding without the support of a text or consensus makes a law concerning religion which God has not permitted; it is invalid. Exalted God says, "And do not say, as to what your tongues falsely describe, "This is lawful, and this is forbidden", so that you may forge against God falsehood." (Q 16:116)

Chapter

Error is only binding on a rational, mature person whom the command has reached. Exalted God says, "For men possessed of minds." (Q 39:21) He, may He be exalted, says, "That I may warn you thereby, and whomsoever it may reach." (Q 6:19)

The Messenger of God (pbuh), said, "The pen is lifted from three." He mentioned children until they reach maturity, and the insane until they return to sanity. This is with regard to the laws concerning bodily deeds. As for the obligations related to property, they differ from this because it is the judges who are instructed to seize [property].

Chapter

It is possible for something be excepted from its class or from another class. He, may He be exalted, said, "Save Iblīs, he was one of the *jinn*." (Q 18:50) This is the beginning of a discourse. Similarly an exception from a group remains part of its original group, because exception is known to exist in the language of the Arabs. Thus it is not licit to prohibit it without the support of a text or consensus.

Chapter

Every report narrated on the authority of an unnamed companion, if the narrator is one who is not ignorant of the distinction between the authentic and unauthentic claims to be a Companion, is continuous and the basis for proof, because all of the Companions are upright persons. Exalted God says, "It is for the poor emigrants, who were expelled from their habitations and their possessions, seeking bounty from God and good pleasure, and helping God and His Messenger; those—they are the truthful persons. And those who made their dwelling in the abode, and in belief, before them, love whosoever has emigrated to them, not finding in their breasts any need for what they have been given, and preferring others above themselves, even though poverty be their portion. And whoso is guarded against the avarice of his own soul, those—they are the prosperers." (Q 59:8–9) Exalted God testified that all of emigrants and helpers are truthful and will prosper. Thus we are certain of their being upright.

If the report's narrator is one who may be ignorant of the authenticity of claims of being a Companion, it is a disconnected tradition. Anyone whom one cannot be sure is not a dissolute person and claims to be a Companion to one who does not know the Companions, makes a false claim in this. As for if a trustworthy narrator narrates a report from one of the wives of the Prophet (pbuh) the report is a proof, because they were incapable of concealing something from anyone possessed of a discriminating mind at that time.

Chapter

If a Companion narrates a tradition about the Prophet (pbuh) and it is narrated about the same Companion that he acted contrary to what he narrated, then the true obligation is to accept his narration and ignore what is narrated about him. This means that what he narrated is accepted, not what he was seen to do, or the legal opinion he is related to have issued.

The proofs [of this] are:

First, that our obligation is to accept what he narrated from the Prophet (pbuh), not [the Companion's] choice, since the no one's opinion but that of the Prophet (pbuh) is proof.

Second, that a Companion may forget what he related at that time. Perhaps he forgets it entirely, just as 'Umar forgot Exalted God's saying, "Thou

art mortal, and they are mortal", (Q 39:30) and His saying, may He be exalted, "And you have given them a hundredweight." (Q 4:20) So that he said, "the Messenger of God (pbuh) has not died, and will not die until he is the last of us." When he was reminded of the verse, he fell to the ground. And when he said on the pulpit, "Let none of you pay women marriage gifts in excess of four hundred dirhams." When the woman reminded him of the verse, he remembered and yielded. A Companion may mention a report which he narrated but which he interpreted allegorically, causing him to change its meaning from its literal sense, such as Qudāma b. Maz'ūn's interpretation, may God be pleased with him, of Exalted God's saying, "There is no fault in those who believe and do deeds of righteousness in what they may eat", (Q 5:93) etc.

Third, it is not licit at all for anyone to surmise that a Companion could be aware that what he narrates has been abrogated, be silent about it, and transmit to us the abrogated. For Exalted God says, "Those who conceal the clear signs and guidance which We have sent down, after We have shown them clearly in the Book—they shall be cursed by God and the cursers." (Q 2:159) Exalted God has raised them above this.

Fourth, that Exalted God says, "It is We who have sent down the Remembrance, and We preserve it." (Q 15:9) Exalted God's guarantee is true in preserving everything the Messenger of God (pbuh) said. Thus, it is false that any one of the Companions, may God be pleased with them, received anything from the Prophet (pbuh) which he did not transmit. Although the Companions are not incapable of error in their choices, they are incapable of hiding or concealing the guidance.

Fifth, it is said, one must find fault with one of the narrations, so it is more appropriate to find fault with a Companion's narration of his acting contrary to what he narrated than to find fault with a report he narrated from the Prophet (pbuh) which we are obliged to accept. As for what is based on the opinion of a Companion, we are not obliged to obey it. And success comes from God.

[Acting in accordance with] an opinion based on a proof text which only bears one interpretation is obligatory, such as his saying, may He be exalted, "Abraham was clement, passionate, penitent." (Q 11:75) It is true that he was not a fool. And like the Prophet (pbuh) saying, "Every intoxicant is wine, and every wine is forbidden." Thus, it is true that every intoxicant is forbidden. The proof is the text itself.

Chapter

The unclear passages in the Qur'ān are limited to the disconnected letters and oaths. There is no text or consensus to explain them. Otherwise, there are no unclear passages at all. The Messenger of God (pbuh) said, "The permitted is clear, and the forbidden is clear. Between these are the unclear passages which many people do not understand." Thus it is true that some people understand them. Exalted God said, "Making clear everything." (Q 16:89)

Chapter

An obligatory duty is only obligatory for whoever is capable of performing it, unless a text or consensus indicates that it is obligatory, it can be performed on his behalf, and one will be rewarded for it. Exalted God said, "God places no soul under obligation save to its capacity." (Q 2:286) He said, may He be exalted, "And has laid upon you no impediment in your religion." (Q 22:78) [Such as] when the Prophet (pbuh) commanded the woman to perform the pilgrimage on her father's behalf, he being an old, chronically ill man incapable of making the journey. And the Prophet (pbuh) said, "Whoever dies, while he owes a period of fasting, let his guardian fast on his behalf." And he ordered that the pilgrimage be performed on behalf of the dead, saying, "God's debt has a greater right to be paid" or "to payment." It is obligatory to obey all this so that the pilgrim fulfills his obligation and his oath on behalf of the dead and on behalf of the living person who is incapable of performing it, and so the oath-taker's fast will be performed, [as will] the obligation on the menstruating woman, and so the neglected prayer will be performed, the prayer which has been slept through, and the other oaths.

Chapter

Whatever authentically existed in the age of the Prophet (pbuh) is not proof until we know that he (pbuh) knew of it, and did not censure it. For no one else's opinions are proof. Exalted God said, "So that mankind might have proof against God, after the Messengers." (Q 4:165)

Chapter

Proof only exists in the text of the Qur'ān, in the text of a continuous report which is proven to come from the Messenger of God (pbuh) or in something which he (pbuh) saw and consented to. For it is He (pbuh)

who was obliged to make things clear. [God], may He be exalted, said, "We have sent down to thee the Remembrance that thou mayest make clear to mankind what was sent down to them." (Q 16:44) He, may He be exalted, said, "O Messenger, deliver that which has been sent down to thee from thy Lord; for if thou does not, thou wilt not have delivered His Message. God will protect you from men." (Q 5:68) He, may He be exalted, said, "Nor speaks he out of caprice. This is naught but a revelation revealed." (Q 53:3–4) He, may He exalted, said, "It is He who sent among the illiterate a Messenger from among them, to recite His signs to them and to purify them, and teach them the Book and the Wisdom, though before that they were in manifest error." (Q 62:2) The signs are the Qur'an which [God], may He be exalted, sent down. The Wisdom is the Sunna which was revealed to [the Prophet].

It is certainly true that [the Prophet] (pbuh) omitted nothing from the religion without clarifying it from the Book with the Book, or from the Book with the Sunna, or from the Sunna with the Sunna. He (pbuh) never consented to a reprehensible act. Whatever He (pbuh) knew of and did not censure is licit and permitted. No one else is like that, because others err, forget, refuse, and are corrected about some things.

Chapter

Among all opinions, one is true; the others are mistaken. Exalted God said, "What is there, after truth, but error?" (Q 10:32) He, may He be exalted, said, "If it had been from other than God surely they would have found in it much inconsistency." (Q 4:82) And success comes from Exalted God. Even if there are a limited number of opinions on a question, all but one is false, and that one is certainly the truth, for none other remains. The truth cannot but be one of the opinions of the entire community due to what we have mentioned concerning the infallibility of consensus.

Chapter

It is not licit to judge in accordance with the law of a prior prophet, due to [God's] saying, may He be exalted, "To every one of you We have appointed a law and an open road." (Q 5:48) If they mention Exalted God's saying, "So follow their guidance", (Q 6:90) we say, yes, on that which they agree, [but] not concerning matters where their laws differ. Exalted God said, "Naught is said to thee but what already was said to the Messengers before thee. Surely thy Lord is a Lord of forgiveness and of painful retribution." (Q 41:43) What they agree upon, such as divine unity and the like,

is the truth. What they differ on cannot be accepted in its entirety, not is it possible to accept part to the exclusion of the other part, because that would be an arbitrary, unproven choice. If it is said, we accept the law of Jesus, may peace be upon him, because he is the last of the Prophets, we say, this is false due to two proofs.

First, Exalted God forbade this when he said, "The creed of your father Abraham." (Q 22:78)

Thus, He reported that what He made valid for us is the creed of Abraham, may peace be upon him, which is the creed of Muḥammad (pbuh). Exalted God said, "The Torah was not sent down, neither the Gospel, but after him." (Q 3:65) Thus, God, the all-powerful, the sublime, by making it valid for us to follow the law of Abraham, may peace be upon him, has forbidden us to accept the Torah or the Gospels revealed to Jesus, may peace be upon him.

The second proof is [the Prophet's] (pbuh) saying, "I have been preferred to the Prophets in six ways." Among these six, it has been mentioned, "It used to be that a Prophet was sent exclusively to his own people, but he (pbuh) was sent to the red and the black, to all mankind." If this is true then it is false that among the Prophets, may peace be upon them, only the law of Muḥammad (pbuh) is valid for us. For Exalted God sent none of the Prophets to us but him (pbuh). The others were only sent to their peoples, not to anyone else.

Chapter

It is obligatory to render judgment on every believer and infidel in accordance with the rulings of Islam, whether they are willing or unwilling, due to Exalted God's saying, "Fight them until there is no persecution and the religion is God's entirely", (Q 8:39) and due to Exalted God's saying, "So judge between them according to what God has sent down, and do not follow their caprices, to forsake the truth that has come to thee." (Q 5:49)

Chapter: On Personal Opinion

It is not permissible for anyone to render judgment in accordance with his personal opinion. Exalted God said, "We have neglected nothing in the Book." (Q 6:38) He, may He be exalted, said, "O believers, obey God, and obey the Messenger and those in authority among you. If you should quarrel on anything, refer it to God and the Messenger, if you believe in God

and the Last Day.” (Q 4:59) The Messenger of God (pbuh) said, “The people will appoint ignorant leaders who will issue rulings in accordance with personal opinion. So they will go astray and lead others astray.” And as he (pbuh) said, and this is an authentic tradition narrated by al-Bukhārī and others. From Abū Bakr Ḥammām b. Aḥmad al-Qāḍī, who said, from Abū Muḥammad ‘Abd Allāh b. Muḥammad al-Tājī, who said, from Muḥammad b. ‘Abd al-Malik b. Ayman, who said, from Abū Thawr Ibrāhīm b. Khālīd, who said, from Wakī‘ b. Hishām b. ‘Urwa, from his father, from ‘Abd Allāh b. ‘Amr b. al-Āṣ, who said, the Messenger of God (pbuh) said, “Knowledge cannot be removed from men’s breasts, but knowledge is lost with the death of the learned. If no learned man remains, the people will appoint ignorant leaders who issue rulings in accordance with personal opinion. They will go astray and lead others astray.” ‘Abd Allāh b. ‘Amr b. al-Āṣ said, “The affairs of the Children of Israel remained righteous until the children of slave peoples were raised among them who decided in accordance with personal opinion. They went astray and led others astray.”

Abū Muḥammad, may God be pleased with him, said, an authentic report from ‘Umar b. al-Khaṭṭāb, may God be pleased with him, says that he said, “Be suspicious of personal opinion.” Sahl b. Ḥunayf said, “Be suspicious of your personal opinions concerning your religion.” ‘Alī b. Abī Tālib, may God be pleased with him, said, “Were religion determined by personal opinion, it would be more correct to wipe the underside of one’s shoes.” Similar reports have come from other Companions, may God be pleased with them.

If they mention Mu‘ādh’s tradition, “I will do my utmost to exercise my own judgment”, this is a false tradition, which was narrated by no one but al-Ḥārith b. ‘Amr who is an unknown narrator who is unknown among the people of Homs, from whom he never heard traditions. It is certainly false that the Messenger of God (pbuh) said to Mu‘ādh, “If you don’t find the answer in the Book of God or the Sunna of the Messenger of God”, when he had heard God’s revelation to him, “We have neglected nothing in the Book”, (Q 6:38) and, “Today I have perfected your religion for you.” (Q 5:3) Since, as Exalted God has testified, it has been perfected, it is false that there is a single legal case in religion which lacks a ruling. Thus, personal opinion is totally invalid in religion.

Chapter

Were it valid, either it would be specific to Mu‘ādh, due to something about him which the Messenger of God (pbuh) knew, which his (pbuh)

statement, "I will teach you the permissible and the impermissible, Mu'ādh", indicates, leading him to make it permissible for Mu'ādh to legislate this, or it would be general, including Mu'ādh and everyone else. If it is specific to Mu'ādh, then it is not permissible to accept the personal opinion of anyone but Mu'ādh. That is something no one on earth would say. If it is general, including Mu'ādh and everyone else, no one's personal opinion is more authoritative than anyone else's. Thus the religion would be destroyed and become nonsense, and everyone could legislate whatever he wished in accordance with his personal opinion. This is pure infidelity. Also, either personal opinion is required in matters concerning which there is a relevant text, which is something no one says because if this were the case one would be obliged by personal opinion to prohibit the licit, make licit the prohibited, make what is not obligatory, obligatory, and declare the obligatory to not be obligatory, which is pure infidelity, or it is required in matters concerning which there is no relevant text, which is invalid in two ways.

First, Exalted God's saying, "We have neglected nothing in the Book", (Q 6:38) and His saying, may He be exalted, "Making clear everything", (Q 16:89) and His saying, may He be exalted, "Today I have perfected your religion for you", (Q 5:3) and His saying, may He be exalted, "That thou mayest make clear to mankind what was sent down to them." (Q 16:44) If it is certainly true according to the report of Exalted God, whom no believer would accuse of falsehood, that He neglected nothing in the Book, and that He made everything clear, and that the entire religion has been perfected, and that the Messenger of God (pbuh) made clear to mankind what was sent down to them, it is certainly false, without a doubt, that there is anything in religion for which there is no relevant text or ruling from Exalted God and His Messenger (pbuh).

Second, even if that existed, and Exalted God has guarded against and prevented this from existing, whoever legislated something concerning this would have legislated something in religion without God's permission. This is forbidden, the Qur'an has prohibited it, so personal opinion is invalid, praise God, Lord of the worlds.

If they say, the Companions, may God be pleased with them, ruled on the basis of personal opinion, we say, if you find any one of them who validated rulings on the basis of personal opinion you will find that he was ostracized. We have made this perfectly clear in our book, "Perfection in Legal Theory" and in "The Epistle on Points". And success comes from God.

Chapter: On Analogical Reasoning

It is not permissible to rule in religion on the basis of analogical reasoning. Supporting it is invalid, and it is known with certainty that it is invalid in the eyes of Exalted God.

The proof of this is what we have mentioned previously on the invalidity of personal opinion. If they say, there is support for analogical reasoning in the Qur'ān, and they mention Exalted God's saying, "They destroyed their houses with their own hands, and the hands of the believers, therefore take heed you who have eyes", (Q 59:2) and the compensation for [unlawfully killed] game, and similarly for injuries, we say to them, "take heed" does not mean make an analogy in the language of the Arabs, nor has any lexicographer agreed with this. The meaning of "take heed" is marvel and be warned. Exalted God said, "In their stories is surely a lesson to men possessed of minds", (Q 12:111) that is, a marvel and a warning. He, may He be exalted, said, "And surely in the cattle there is a lesson for you; We give you to drink of what is in their bellies, between filth and blood, pure milk, sweet to drinkers. And of the fruits of the palms and the vines, you take therefrom an intoxicant, and a provision fair. Surely in that is a sign for those who understand", (Q 16:66–7) that is, a marvel.

Rather, the invalidity of analogical reasoning is contained within these verses. For [God], may He be exalted, reported that milk is licit, although it is located between illicit filth and blood, and that a licit, fair provision and an forbidden intoxicant come from the same fruit, so it is false that two similar things share the same ruling.

If "take heed" meant make an analogy, we would be obliged to destroy our houses just as they destroyed their houses, but this is not so. So His saying, may He be exalted, "take heed" invalidates analogical reasoning. Even if the meaning of "take heed" was make an analogy, and it could have no other meaning, this would not make analogical reasoning obligatory as they claim. For in that case it would be an ambiguous passage whose meaning could not be understood from the text. Rather, it would be like His statement, may He be exalted, "And perform the prayer and pay the alms", (Q 2:43) and like His statement, may He be exalted, "And pay the due thereof on the day of its harvest." (Q 6:141) It was not possible to understand from this command what prayers and alms are, nor what Exalted God's due was with regard to the unspecified crop which was harvested, nor how prayer should be performed and alms given until the explanation of the Prophet (pbuh) came on all of this. Had the meaning of "take heed" been make an analogy, and we stipulated this, no one

would know how to use this analogical reasoning, nor what should be compared or what it should be compared to. For that we would need the Prophet's (pbuh) explanation of this. If no explanation of all this came, what would we do? So we know with certainty that Exalted God did not place us under obligation to do something we don't know how to do, or what it is, nor did he place us under obligation to act on the basis of differing, unproven, opinions. It is false that these opinions are understood with certainty from this verse, and it is certainly true, without a doubt, that [God], may He be exalted, never intended it to mean analogical reasoning. And success comes from God.

As for the compensation for hunting, there is no room at all for analogical reasoning concerning it, because it is merely Exalted God's command that whoever intentionally kills game while in the state of ritual consecration must compensate for it with a like number of livestock, not with game. Thus the verse testifies to the invalidity of analogical reasoning. And as for, "Even so is the coming forth", (Q 50:11) it invalidates analogical reasoning, without a doubt, that the coming forth of the dead once in an eternity bears fruit in an eternity in Hell or Paradise, and the coming forth of plants from the earth occurs every year and then ceases. It is not permissible to use anything we have mentioned concerning this case and others to prohibit the sale of figs for a non-equivalent amount of figs, to be received at a later date.

A decisive proof concerning all of the errors they make concerning the Qur'ān and the *ḥadīth* is our saying that truth in religion is none other than what is contained in the Qur'ān and the *ḥadīth* of the Messenger of God (pbuh). Then they supported analogical reasoning and we have shown it to be invalid. Every verse they cite to us, every tradition they mention to us, all of this is true, and everything they add to it is false. They did nothing more than to merely repeat to us their support for analogical reasoning, and we quarreled with them about this. They cannot use their own opinions to prove their opinions. These reports would contain proof of their opinion only if any of them included, "Make an analogy between what resembles a text and the text it resembles." So if they do not find it, and they cannot find it, then they have no proof in any of the Qur'ān or reports, since, as we have mentioned, the entire Qur'ān and authentic tradition are true. As for what they wish to add to them, it is false. We have demanded their proof for their opinion, which they will not find. And success comes from God.

Among the proofs of analogical reasoning is Exalted God's saying, "And it is God who brought you forth from your mothers' wombs",

(Q 16:78) and His saying, may He be exalted, "And teach you what you knew not", (Q 2:151) and He said, may He be exalted, "Say: My Lord has only forbidden indecencies, the inward and the outward, and sin, and unjust insolence, and that you associate with God that for which He never sent down authority, and that you say concerning God such as you know not." (Q 7:33)

Thus Exalted God forbade us to say what we know not, and that which He did not teach us. Having found that God neither commanded the use of analogical reasoning nor taught us how to use it, we know that it is invalid and it is unlawful to base opinions about religion on it.

Also, it should be said, What is analogical reasoning needed for? Is it for matters stipulated in a text and rulings by Exalted God and His Messenger (pbuh)? Or in matters not stipulated by a text or ruling by Exalted God or His Messenger (pbuh)? There is no third alternative.

If they say, in matters stipulated in a text, it is known that this is invalid. For if [the situation] were like this, one would be obliged to forbid based on analogical reasoning some things which Exalted God has permitted, to permit some things which Exalted God has forbidden, to make obligatory things Exalted God has not make obligatory, and to remove some of the obligations Exalted God has imposed.

If they say, rather, in matters not stipulated in a text, we say, Exalted God has censured this [opinion] and discredited those who hold support this view. He censured it when He said, may He be exalted, "Or have they associates who have legislated for them as religion that which God did permit?" (Q 42:21) He, may He be exalted, discredited [the proponent of this view] when He said, may He be exalted, "We have neglected nothing in the Book", (Q 16:89) and, "Today I have perfected your religion for you." (Q 5:3) Thus it is certainly true that analogical reasoning is invalid.

Also, according to its supporters, analogical reasoning yields a ruling on something based on a ruling on a similar thing due to their sharing a ratio which obliges this ruling or due to one's resembling the other in one of its qualities according to the opinion of one such [supporter of analogical reasoning]. It should be said to them, inform us as to this ratio, which you claim exists, and which you have made the ratio for prohibiting something, making it licit, or making it obligatory. Who told you that this is the ratio for this ruling? Who made it the ratio for this ruling?

If they say, Exalted God made it the ratio for this ruling, they attribute statements falsely to God, the all-powerful, the sublime, unless they produce a text from Exalted God in the Qur'an, or on the tongue of the

Messenger of God (pbuh), that this [ratio] is the ratio of this ruling. This is something they cannot find.

If they say, we have legislated it, then they have legislated a law in religion, which Exalted God does not permit. According to the text of the Qur'ān, this is forbidden.

If they say, it is most likely a ratio, and this is actually their opinion, we say to them, you have done what Exalted God forbade you to do, for He says, "They follow only surmise, and surmise avails naught against the truth." (Q 53:28) For the Messenger of God (pbuh) says, "Beware surmise; surmise is the most false of speech."

Abū Muḥammad, may Exalted God have mercy on him, said, they disagree about the ratios, so how do they know that this ratio is what Exalted God desires from us without His explicitly stipulating this to [the one who performs these deeds]? He, may He be exalted, forbade us to speak about what we know not or to form opinions based on surmise. The same should be said to them about their making analogies between one thing or another based on a similarity.

We say further to them, what is this similarity? Is it present in all of their qualities, or only in some and not in others?

If they say, in all of its qualities, this is false because no two things in the world are similar in all of their qualities. If they say, in some of their qualities, we say, how do you know that? What is the difference between you and one who considers the qualities with which you make analogies, but does not make analogies on their basis, and contemplates the qualities with which you do not make analogies, but does make analogies with them?

It should be said to them, what is the difference between you and the one who says, rather, I distinguish between the rulings of the two things some of whose qualities must differ? How is it that one is obliged to reach the same ruling on them both due to their sharing certain qualities, and not differentiate between them due to their differing in other qualities? This is something from which they cannot escape at all.

If it is true that supporting the use of analogical reasoning and determining the ratio is invalid and false, and that it constitutes saying about Exalted God what one knows not, then it is forbidden and not at all licit. For either one makes declarations about Exalted God based on false surmises, which is forbidden, or one legislates in religion without Exalted God's permission. Both things are invalid, without a doubt. Praise God, Lord of the worlds. If they say, reason requires that one rule on a thing as one would rule on an equivalent thing, we say to them, as for its equivalent

in species or genus, yes. As for what they claim, on the basis of unproven personal opinions, to be Exalted God's intent, no.

Thus is our opinion with regard to the divine law. For if Exalted God rules on wheat, that applies to all wheat, and if he rules on a fornicator, that applies to every fornicator, similarly with everything. Otherwise, neither reason nor divine law ever ruled that the ruling for figs should be the same as that for wheat, nor that the ruling for walnuts should be the same as that for dates. Indeed, all of these are rulings on things based on rulings on other things which are not their equivalents. Similarly, with regard to rational arguments: whoever rules on accidents based on the ruling for bodies, or rules on humans based on the ruling for donkeys, errs. If, however, a ruling is obligatory with regard to the universal body, this applies to each body. If a ruling is made concerning a human being, that [ruling] applies to each human being. Reason never consented to anything but this.

Chapter

The entirety of the divine law is made up of obligatory duties, which are valid obligations, forbidden acts, which are prohibited and interdicted, and licit acts, which are either recommended, voluntary acts or absolutely licit acts. We find that Exalted God has said, "He created for you all that is in the earth." (Q 2:29) He, may He be exalted said, "He had distinguished for you what He has forbidden you." (Q 6:119) He, may He be exalted, said, "So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement." (Q 24:63) There is an authentic report that the Prophet (pbuh) said, "Leave alone what I leave to you. Those who came before you were only destroyed by their frequent questioning and arguing with their prophets. If I command you to do something, do it to the best of your ability. If I forbid you from doing something, cease doing it."

In accordance with this text, it is true that whatever Exalted God or His Messenger (pbuh) commanded us to do is an obligatory duty unless there is a text or consensus that it is recommended, specific, or abrogated, and whatever Exalted God or His Messenger (pbuh) clearly prohibited is forbidden unless there is a text or consensus that it is reprehensible, specific or abrogated, and whatever is neither commanded nor forbidden is licit, due to His saying, may He be exalted, "He created for you all that is in the earth." (Q 2:29) [The Prophet] (pbuh) commands us to cease doing only that which he has forbidden, and his command only obliges us to do our best.

And due to the authentic report that [the Prophet] (pbuh) said, “Whatever things He is silent about are indeterminate.” [God], may He be exalted, said, “Question not concerning things which, if they were revealed to you, would vex you; yet if you question concerning them when the Qur’ān is being sent down, they will be revealed to you. God has effaced those things, for God is all-forgiving, all-clement.” (Q 5:101) Nothing in the world escapes His judgment, so there is no need whatsoever for analogical reasoning, and it is true that it is not at all licit to rule on its basis in religion. And success comes from God.

Know that there is no report from any one of the Companions, may God be pleased with them, supporting analogical reasoning, except in the forged letter attributed to ‘Umar, may God be pleased with him. It is not at all authentic since only two men, whose narrations are ignored, narrated it. It is reported of ‘Umar, may God be pleased with him, by similar paths of narration, that he regarded analogical reasoning to be forbidden. Indeed, this is an authentic report that the Companions, may God be pleased with them, agreed on the invalidity of analogical reasoning and personal opinion. For they, and all of the people of Islam, believe without a doubt in obeying the Qur’ān and the example set by the Messenger of God (pbuh) and in forbidding anyone but Exalted God from legislating in religion. This is a consensus that forbids personal opinion and analogical reasoning, because they are not stipulated in the Qur’ān and Sunna. And success comes from Exalted God.

Chapter

If the Prophet (pbuh) stipulates such-and-such ruling in such-and-such matter, it is not permitted to extend this ruling beyond its subject. Whoever dissents from this transgresses God’s boundaries, and we take refuge in God from that. This is similar to his (pbuh) statement, “Teeth are bones, fingernails are Ethiopia’s knives.” Thus, it is not permissible to extend the ruling from teeth to fingernails.

Chapter: On Implied Meaning and Particularization

It is not permissible to claim implied meaning. This is one’s claim that, if there is a text from Exalted God or His Messenger (pbuh) stipulating a quality, state, time period, or place, then any other [quality, state, time, period] must require a different ruling. For example, if [the Prophet] (pbuh) stipulates a herd animal, then anything other than a herd animal must differ with regard to the alms tax. Or, for example, if [God], may He

be exalted, stipulates that one who lacks affluence should marry believing handmaids, then one who fears [he will commit] fornication should marry unbelieving women, rather than believing women. Or, for example, if [God], may He be exalted, stipulates the obligation to pay reparations for an accidental killing, a killing which is not an accident must differ from an accident. Know that this doctrine and analogical reasoning are mutually invalidating opposites. For analogical reasoning is ruling on something on which God is silent on the basis of something God stipulates. Both doctrines are invalid because they are transgressions of God's bounds and advancement before God and His Messenger. Exalted God said, "Whosoever transgresses the bounds of God has done wrong to himself." (Q 65:1) He, may He be exalted, said, "O believers, advance not before God and His Messenger." (Q 49:1) The truth is merely to accept God's commands as they come, and not to apply their rulings to matters not covered by them. Rather, the rulings in these matters should be sought in other texts, for Exalted God has neglected nothing in the Book. Similarly, the claim of specificity is false. It is the opposite of analogical reasoning and implied meaning because analogical reasoning includes something about which God is silent under a ruling stipulated by God, while implied meaning removes something about which God is silent from the ruling of something God stipulates, on the basis of the very same ruling. This too is not licit.

All of these claims are slanders against Exalted God. Exalted God forbid that He should intend to remove some of what He has stipulated to us from the ruling of the sum of what He stipulated without making this clear. Thus is it necessarily true that if a text exists, it is an obligatory duty to accept it as it is. None of it should be particularized without another text or a consensus, and nothing should be added to it that is not contained in another text or a consensus. This is obedience to Exalted God, a guarantee against disobeying Him, and a proof in our favor on the Day of Resurrection. Let every individual take care lest he pronounce forbidden that which neither Exalted God nor His Messenger (pbuh) have informed him is prohibited, and lest he deny that what Exalted God or His Messenger (pbuh) commanded is obligatory, lest he meet Exalted God in disobedience to Him, contradicting His command, legislating in religion without God's permission, may He be exalted, saying about God, may He be exalted, what he knows not, and attributing to His Messenger (pbuh) things he never said. Let him take his seat in Hell. And lest he rule based on surmise, which is the most false speech, and which avails not against truth. We take refuge in Exalted God from the trial.

Chapter

If Exalted God gave a command to His Messenger (pbuh) it is valid for every Muslim unless there is an authentic text or a certain consensus that it has been particularized.

The proof of this is His saying, may He be exalted, “So let those who go against His command beware, lest a trial befall them, or there befall them a painful chastisement.” (Q 24:63) His saying, may He be exalted, “against His command” implies that the command in the prepositional phrase is what He is the commander of, so no verse is to be particularized without a proof.

Chapter

Delegating authority is forbidden. It is not licit for anyone to accept another’s claim without proof.

The proof of this is Exalted God’s saying, “Follow what has been sent down to you from your Lord, and follow no friends other than He, little do you remember”, (Q 7:3) and His saying, may He be exalted, “And when it is said them, “Follow what God has sent down”, they say, “No; but we will follow such things as we found our fathers doing”,” (Q 2:170) and His statement, may He be exalted, praising a people who did not delegate authority, “So give tidings to My servants who give ear to the Word and follow the fairest of it. Those are they whom God has guided; those—they are men possessed of minds.” (Q 39:17–18) So let no person stint in praising Exalted God who has guided him and made him possessed of a mind. He said, may He be exalted, “If you should quarrel on anything, refer it to God and the Messenger, if you believe in God and the Last Day.” (Q 4:59) Exalted God did not make it licit to refer to anyone in a quarrel other than the Qur’ān and the Sunna of His Prophet (pbuh). It is true that there is consensus of the Companions, may God be pleased with them, first to last, and a consensus of all of the Followers, first to last, on the impossibility of, and prohibition on, any one of them seeking out the opinion of any person among them, and accepting all of his opinions. So know that whoever accepts all of the opinions of Abū Ḥanīfa, all of the opinions of Mālik, all of the opinions of al-Shāfi‘ī, or all of the opinions of Aḥmad b. Ḥanbal, may God be pleased with them, who is capable of investigating and does not abandon the one he follows for another, has contradicted the consensus of the entire community and deviated from the path of the believers. We take refuge in God from such a position.

Also, those virtuous men forbade others to delegate authority to them, or to delegate authority to others. So whoever delegates authority to them contradicts them. Also, what makes one of these men or anybody else more deserving of being delegated authority than the Commander of the Faithful, 'Umar b. al-Khaṭṭāb, 'Alī b. Abī Ṭālib, Ibn 'Abbās, or 'Ā'isha, Mother of the Believers? If delegating authority were valid, these people would be more deserving of being followed than Abū Ḥanīfa, Mālik, al-Shāfi'ī, or Aḥmad. Whoever among those who affiliate themselves with [one of these scholars] claims that he is not delegating authority [to him] is himself the first to know that he is lying, then everyone who hears him [knows that he is lying]. For we see him supporting every opinion of the one with whom he is affiliated that reaches him, even if he previously had no knowledge of that opinion. This is delegation of authority itself.

Chapter

Abū Muḥammad, may Exalted God be pleased with him, said: common men and scholars are the same in this. Each one has his share of independent reasoning of which he is capable.

The proof of this is that we have previously mentioned the texts on this, and Exalted God does not differentiate between common men and scholars, "And thy Lord is never forgetful." (Q 19:64) If they mention Exalted God's saying, "Question the People of Remembrance", (Q 21:7) it should be said to them, the People of Remembrance are not one particular person. It is not permissible for you to speak falsely of God, may He be exalted. We only question the People of Remembrance so that they may inform us of those commands of Exalted God which came on the tongue of his Messenger (pbuh) with which they are familiar. We do not question them about any law they might legislate for us.

Also, we say to whoever thinks it is permissible for a commoner to delegate authority, tell us, to whom should he delegate? If he says the most learned man in the city, we say, what if there are two learned men in the city who disagree, what is he to do? Should he accept the opinion of whichever one he chooses? This would be a new religion. God forbid that there should be two different rulings on the same question, permitted and prohibited at the same time, according to Exalted God.

The most amazing thing is that the obligatory duty of a commoner who lives in al-Andalus is to delegate authority to Mālik, in Yemen, to delegate to al-Shāfi'ī, and in Khurasan, to delegate authority to Abū Ḥanīfa, although their legal opinions are opposed. Is this the religion of Exalted

God? By God, Exalted God never commanded this; rather religion is one. Exalted God's ruling has been made clear to us: "If it had been from other than God surely they would have found in it much inconsistency." (Q 4:82) Commoners and blacks imported from Ghana and those like them, if they become Muslims, know without a doubt what this Islam is that they have entered into and testify that there is no god but God and that Muḥammad is the Messenger of God to them, and that they have entered into the religion which Muḥammad (pbuh) brought. This something which cannot be concealed from anyone who becomes a Muslim now.

What about someone who has acquired some understanding? There is no doubt about [his situation]. The questioner merely asks about what Exalted God has made obligatory for him in the religion he has entered into. If this is so, then without a doubt God has made it obligatory for him to say to the mufti, when he issues a legal opinion, is such-and-such the command of Exalted God and His Messenger (pbuh)? If the mufti says yes, then he is obliged to accept it. If he says no, is silent, drives him away, or mentions to him the opinion of a person other than the Prophet (pbuh) as his understanding increases, and his independent judgment grows more acute, he must ask: is this truly from the Prophet (pbuh) or not? If his understanding increases, he must ask whether the tradition is continuous or disconnected, the narrators trustworthy or untrustworthy. If his understanding increases further, he must ask about the opinions on the question, each disputant's proof, and this will lead to his rising through the ranks of knowledge. We ask Exalted God to make us among the people of knowledge. Amen, amen, Lord of the worlds.

Chapter

Exalted God only imposed on us the obligation of following His Messenger, Muḥammad (pbuh). Whoever follows him, and testifies to his truthfulness with his heart and tongue is saved; he is truly a believer, whether he knows this by deduction or without deduction. For Exalted God never imposed on us any obligation but this, nor did he command us to proselytize for anything else, nor did the Caliphs or righteous proselytize for anything else.

Whoever is narrated a tradition which does not authentically come from the Prophet (pbuh) without him knowing that it is inauthentic, will be rewarded once, due to his (pbuh) saying, "If a judge exercises his independent judgment and is incorrect, he will receive one reward. If he is correct, he will receive two rewards." Or, as [the Prophet] (pbuh) said. Whoever accepts a matter has ruled in favor of its acceptance and

exercised his independent judgment in doing so. This person, and none other, is an independent jurist, because independent judgment is merely expending effort in seeking a ruling in religion in the Qur'ān, Sunna, and consensus, whence Exalted God commanded one to take one's rulings, and nowhere else. Whoever does this correctly will receive two rewards. Whoever errs will receive one reward, and does not sin.

Chapter

As for one who delegates authority to someone other than the Prophet (pbuh) and, in so doing, accidentally comes upon the command of the Prophet (pbuh), he disobeys Exalted God and sins in his delegation of authority. There is no safety or reward for him in his coming upon the truth. Who knows how he did this? He did not seek the truth, and if he errs, he sins twice: the sin of delegating authority and the sin of diverging from the truth. And he will not be rewarded at all. We take refuge in God from deception.

Chapter

Whoever is unaware of the proof is excused. Whoever is aware of the proof has no excuse. Exalted God said, "But whosoever makes a breach with the Messenger after the guidance has become clear to him, and follows a way other than that of the believers', him We shall turn over to what he has turned to and we shall roast him in Gehenna—an evil homecoming." (Q 4:115)

Chapter

Whoever knows the truth of one matter or more from the Qur'ān or Sunna is permitted to issue legal opinions on it. Whoever knows the whole religion is the same. And whoever is ignorant, even if in only one matter, is permitted to issue legal opinions on what he knows, and is not permitted to issue opinions on what he does not know. If only someone who knew the entire religion could issue legal opinions, none after the Messenger of God (pbuh) could issue legal opinions. "Over every man of knowledge is One who knows." (Q 12:76) "God is sufficient for us; an excellent Guardian is He." (Q 3:173)

The book, "The Sufficient . . ." is complete, praise God, with His aid and the goodness of the success He grants. Praise God, Lord of the worlds. May God bless our Lord Muḥammad, his family, and his Companions, and save him.

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LA DOCTRINE SUR L'EXERCICE DE LA JUSTICE : UN EXEMPLE DU DÉSACCORD ENTRE IBN ḤAZM ET LES MĀLIKITES

Alfonso Carmona González

C'est Linant de Bellefonds qui, au début de son article « Ibn Hazm et le zahirisme juridique »¹, assure que sans le *Muḥallā bi-l-āthār*² le reproche adressé à Ibn Ḥazm (m. 456/1064) par R. Arnaldez « d'avoir fait du zahirisme une doctrine en dehors des réalités et des nécessités de la vie » serait assez fondé³. En effet, de l'avis d'Arnaldez⁴, Ibn Ḥazm s'appliquant « à reconstituer un droit dépouillé de tout ce qu'il juge adjonction des juristes postérieurs au Prophète et aux Compagnons » défend un ordre juridique qui « risque de devenir parfaitement inactuel, » c'est-à-dire, insensible à la réalité et « aux exigences issues des transformations historiques. »

Linant de Bellefonds reconnaît, nonobstant, qu'Ibn Ḥazm peut difficilement être appelé un vrai juriste « si l'on entend par juriste celui que préoccupe avant tout la règle positive, celle qui doit régir les rapports des hommes entre eux »⁵. Et il ajoute – pour prouver que le savant cordouan n'est pas juriste, ou qu'il ne l'est que rarement – qu'une doctrine aussi rigide que la sienne « ne pouvait avoir que peu de prise avec le réel, ce qui doit demeurer, quand même, la préoccupation majeure du juriste »⁶.

Mais, malgré tout cela, Linant de Bellefonds arrive à la conclusion qu'une bonne partie des solutions juridiques d'Ibn Ḥazm, « qui dérivent de principes qui se veulent si différents de ceux qui ont inspiré les grands *fuqahā'*, » ne sont pas tellement « éloignées des règles juridiques admises d'un commun accord par les quatre Écoles orthodoxes »⁷. L'auteur tire

¹ Y. Linant de Bellefonds, « Ibn Hazm et le zahirisme juridique », *Revue algérienne, tunisienne et marocaine de législation et jurisprudence* 76,1 (1960), p. 1–43.

² Ibn Ḥazm, *al-Muḥallā bi-l-āthār*, éd. 'Abd al-Ghaffār Sulaymān al-Bandarī, Beyrouth 1988.

³ Linant de Bellefonds, « Ibn Hazm et le zahirisme », p. 2.

⁴ *EF*, 3:818–819 (s.v. « Ibn Ḥazm »).

⁵ Linant de Bellefonds, « Ibn Hazm et le zahirisme », p. 3.

⁶ Linant de Bellefonds, « Ibn Hazm et le zahirisme », p. 12.

⁷ Linant de Bellefonds, « Ibn Hazm et le zahirisme », p. 19. Il répète la même idée à plusieurs reprises. Ainsi, par exemple, à la page 29, il dit: « Partant de prémisses très éloignées de celles admises par les autres Écoles, Ibn Hazm (...) finit par aboutir à des conclusions qui ne sont pas essentiellement différentes de celles de ses adversaires. » Et de même, à la page 35: « Une fois de plus, après avoir paru s'opposer catégoriquement à l'enseignement

cette conclusion de l'étude du corpus juridique que constitue le *Muḥallā*, dont il nous montre, dans l'article nommé, quelques exemples issus de plusieurs chapitres de cet ouvrage, laissant de côté la partie relative au rituel. Il s'arrête surtout aux solutions juridiques ḥazmiennes qui diffèrent essentiellement de celles proposées par les autres écoles.

Dans son aperçu, il ne s'est pas occupé des deux chapitres qu'Ibn Ḥazm intitule respectivement *Kitāb al-Aqḍiya* et *Kitāb al-Shahādāt*, consacrés à la fonction judiciaire et à la procédure, et qui vont être l'objet de mon étude en cette occasion. Mais mon propos – à la différence de l'auteur de l'article qu'on a considéré – est d'indiquer principalement les divergences entre la doctrine ḥazmienne et celle des mālikites.

I

Les juristes musulmans, dès les premiers siècles de l'Islam, avaient pu constater la difficulté de régler les différends entre leurs justiciables en s'appuyant seulement sur les quelques versets à portée directement juridique et sur les *ḥadīths* prophétiques incontestablement authentiques. L'élaboration des lois islamiques a pu difficilement se réclamer des seuls principes coraniques ou prophétiques. C'est pour cela que les juristes durent trouver les moyens d'élargir les sources du droit, et déterminer les principes qu'il fallait suivre pour résoudre les problèmes concrets. On fit usage de la réflexion personnelle (*ijtihād*) pour interpréter la Révélation et appliquer les dispositions qu'elle contenait, d'où dérivait le *ra'y*, l'opinion fondée sur la logique juridique personnelle. On eut recours au raisonnement d'analogie (*qiyās*). Et on formula le principe de l'*istiḥsān*, qui consiste à choisir la solution la meilleure, la plus équitable, quoiqu'elle s'écarte de la norme générale.

Mais Ibn Ḥazm condamne radicalement tout cet effort, et le *Kitāb al-Aqḍiya*, le premier des deux livres de son *Muḥallā bi-l-āthār* dont je vais sélectionner ici certains passages, débute par la phrase suivante, où Ibn Ḥazm – immédiatement avant d'aborder le sujet des conditions d'aptitude pour remplir les fonctions judiciaires – expose très sommairement l'essentiel de sa doctrine sur les sources du droit islamique:

des grands légistes sur le plan des principes, nous le voyons aboutir aux mêmes conclusions pratiques, ou peu s'en faut, que tous les autres. » Voir aussi p. 41–43.

Il n'est licite de rendre un jugement que sur la base de ce que Dieu a révélé par la bouche de son Prophète, puisque c'est là où est le droit (*ḥaqq*). Se fonder sur d'autres principes c'est de l'injustice (*jawr*)⁸.

Et quelques lignes après, il développe un peu plus sa théorie des seules sources d'où dérivent les normes que doivent appliquer les tribunaux musulmans⁹:

Il n'est pas valable un jugement basé sur le *qiyās* (raisonnement analogique), ni sur le *ra'y* (logique personnelle), ni sur l'*istihsān* (solution équitable), ni sur la parole de personne en dessous du Prophète, si cette parole n'est pas conforme au Coran ou à la Sunna authentifiée; parce que ces procédés donnent lieu à des jugements basés pour la plus grande partie sur la conjecture¹⁰.

Par contre, un autre savant cordouan, le mālikite Abū l-Walīd Hishām al-Azdī (ob. 606/1209), abordant la question des sources du droit dans le chapitre qu'il consacre à la déontologie des juges (justement le premier chapitre de son *Mufīd li-l-ḥukkām*)¹¹, envisage des sources beaucoup plus amples que celles admises par notre auteur zāhirite, puisqu'al-Azdī s'appuie sur ce *ḥadīth* qui n'est pas accepté par Ibn Ḥazm:

Quand le Prophète (que la bénédiction et la paix de Dieu soient sur lui) envoya Mu'adh b. Jabal au Yémen, lui demanda: « Mu'adh, sur quoi te bases-tu pour administrer la justice aux yéménites? » « Sur le Livre de Dieu, » répondit-il. « Et si tu ne trouves pas [la règle] dans le Livre de Dieu? » « [Je me baserai] donc sur la Sunna du Prophète. » « Et si tu ne la trouves pas dans la Sunna du Prophète? » « J'y réfléchirai et leur appliquerai mon critère (*ajtahidu la-hum ra'yī*). » « Gloire à Dieu, qui a rendu aussi apte l'envoyé de l'Envoyé de Dieu à administrer la justice divine, » dit le Prophète (que la bénédiction et la paix de Dieu soient sur lui)¹².

Comme nous venons d'avancer, Ibn Ḥazm n'admet pas l'authenticité de ce *ḥadīth* sur lequel, en revanche, les mālikites et d'autres étayent leur herméneutique légale. En effet, dans son *Iḥkām*¹³, Ibn Ḥazm cherche à

⁸ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 427 # 1778.

⁹ Sur la théorie ḥazmienne des *uṣūl al-fiqh* (sources du droit), cf. Adam Sabra, « Ibn Ḥazm's Literalism: A Critique of Islamic Legal Theory (I), » *Al-Qanṭara* 28 (2007), p. 10–11.

¹⁰ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 429 # 1780.

¹¹ Sur les manuscrits du *Mufīd* et sur son auteur, il faut voir notre « Ibn Hishām al-Qurṭubī y su *Mufīd li-l-ḥukkām*, » *Quaderni di Studi Arabi* 5–6 (1987–8), p. 120–130.

¹² Ibn Hishām, *Kitāb al-Mufīd li-l-ḥukkām*, MS Grenade, fol. 2v. Ce *ḥadīth* est consigné aussi par al-Tirmidhī, « *Aḥkām*, » p. 3; Abū Dāwūd, « *Aqḍiya*, » p. 11; al-Dārimī, « *Muqad-dima*, » p. 20; Aḥmad b. Hanbal, vol. 5, p. 230, 236, 242.

¹³ Apud Linant de Bellefonds, « Ibn Hazm et le zahirisme, » p. 11.

prouver que certains des transmetteurs de ce hadith sont totalement inconnus et que les propos de Mu'ādh n'ont pas été rapportés par aucun autre Compagnon.

II

Après avoir résumé d'une manière quasi lapidaire sa prise de position touchant la question primordiale des sources du droit islamique, Ibn Ḥazm exprime de la façon suivante, dans le deuxième paragraphe du *Kitāb al-Aqḍiyya* de son *Muḥallā*, sa doctrine sur les conditions requises pour accomplir des fonctions judiciaires:

Pour régler les différends tant entre les musulmans qu'entre les *dhimmis*, il est seulement permis de nommer quelqu'un qui soit [1] musulman, [2] majeur, [3] sain d'esprit (*'āqil*), et [4] bien informé (*'ālim*) des préceptes (*aḥkām*) du Coran et de la Sunna authentifiée émanant du Prophète, ainsi que des versets abrogeants et abrogés, et des textes sacrés qui se rapportent à d'autres textes authentifiés. Il en est ainsi parce qu'aucun jugement n'est valable que s'il s'appuie sur ce que nous venons de dire et pour les raisons que nous avons exposées¹⁴.

Il faut noter que cette brève liste des conditions d'aptitude ne procède pas directement des textes sacrés (Coran et Sunna prophétique), qui pour Ibn Ḥazm devraient être les sources uniques du Droit. En effet, les textes sacrés de l'Islam n'offrent presque pas de base pour élaborer une véritable théorie des conditions concrètes requises pour l'exercice de la judicature. Le Coran ne dit rien des conditions préalables que doit remplir une personne pour qu'on puisse lui confier la charge de juger. Les nombreux versets qui proclament que celui qui juge doit être juste et équitable et appliquer exclusivement les préceptes que Dieu a révélés (Q 2:188, 4:58, 5:42–49, 38:22, 38:26, etc.) se rapportent à l'exercice même de la fonction judiciaire, et non pas aux conditions du candidat à la charge de *qāḍī*. Ne sont pas applicables non plus, au recrutement du personnel judiciaire, les nombreux versets qui rappellent que, finalement, c'est Dieu qui est le meilleur juge (Q 2:111, 6:114, 7:87, 10:109, 11:45, 12:80, 21:112, 40:20, 40:48, 45:17, 95:8, etc.).

D'autre part, parmi les dits du Prophète Muḥammad que le Tradition nous a légués, on ne trouve pas non plus de mention explicite concernant

¹⁴ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 427.

les circonstances initiales de l'exercice de la judicature. Tout comme le Coran, l'Envoyé de Dieu se borne, sur ce point précis, à mettre en garde les musulmans contre l'injustice dans l'accomplissement de la mission consistant à résoudre les litiges qui opposent les gens.

Dans l'état actuel de nos connaissances, Ibn Ḥazm et son contemporain le mālikite Abū l-Walīd al-Bājī (ob. 474/1081) sont les premiers auteurs d'al-Andalus à dresser une liste des conditions personnelles minimales que doit remplir un candidat pour qu'il puisse valablement être nommé juge. Ces deux listes (celle établie par notre savant zāhirite, que nous venons de montrer, et celle qui a été rédigée par al-Bājī, dont nous parlerons ensuite) ne contiennent que des conditions essentielles pour la validité de la nomination, et non pas des traits de caractère désirables chez le candidat au poste de *cadi*. Avant eux, les juristes andalous, comme le reste de leurs confrères mālikites, transmettaient des citations où l'on mélangeait les conditions essentielles et les vertus personnelles souhaitables, sans signaler aucune différence de catégorie.

Deux listes de *khiṣāl*, ou qualités personnelles, circulaient parmi les mālikites avant Ibn Ḥazm et al-Bājī, et continuèrent à être rapportées après. La première, citée entre autres par Ibn Rushd al-Jadd (m. 520/1126) dans ses *Muqaddamāt*, est attribuée au calife 'Umar b. al-Khaṭṭāb (m. 23/644). Voici ses paroles:

Nul ne doit être désigné pour la judicature s'il n'est pas intelligent (*ḥaṣīf al-'aql*), sévère sans être cruel (*shadīd fī ghayr 'unf*) et aimable sans être faible (*layyin fī ghayr ḍa'f*); il faut aussi qu'il soit un homme peu enclin aux loisirs (*qalīl al-ghirra*), qui inspire un respect distant (*ba'īd al-hayba*) et à qui personne ne puisse imputer un défaut¹⁵.

De ces six qualités, la première (le fait d'être intelligent ou *'āqil*) sera considérée essentielle par tous les auteurs (y compris Ibn Ḥazm, comme on vient de constater) et la dernière (*lā yuṭlī' al-nās minhu 'alā 'awra*), connue sous le nom de *'adāla*, sera pour la plupart des juristes – mālikites ou non – une condition indispensable. Mais pas pour Ibn Ḥazm; pour lui, la qualité de *'adl* (justice) est une condition nécessaire du jugement, pas du juge. Par contre, le témoin, d'après Ibn Ḥazm, doit posséder la *'adāla*¹⁶. Les autres qualités de la liste attribuée à 'Umar b. al-Khaṭṭāb ne sont pas

¹⁵ Ibn Rushd al-Jadd, *al-Muqaddamāt al-mumahhadāt*, éd. M. Ḥajjī, Beyrouth 1988, vol. 2, p. 259.

¹⁶ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 512.

essentielles, mais des traits de caractère très convenables sans doute, mais dont l'absence n'entraîne pas la nullité de la nomination.

L'autre liste des conditions de capacité est généralement attribuée à 'Umar b. 'Abd al-'Azīz (m. 101/720), mais aussi à 'Alī b. Abī Ṭālib. Elle est transmise par de nombreuses sources, dans la plupart desquelles ces qualités ou caractéristiques (*khiṣāl*) sont cinq: la connaissance des précédents juridiques, la bonne disposition à prendre conseil auprès de ceux qui ont un critère correct, l'honnêteté, la maîtrise de soi, et le mépris des critiques.

La première de ces aptitudes, la connaissance des précédents juridiques, n'est pas exactement la science « des préceptes (*aḥkām*) du Coran et de la Sunna » exigée par Ibn Ḥazm; tout au contraire, elle peut être rapprochée plutôt du *taqlīd*, que le zāhirite repoussait vigoureusement. La deuxième aptitude justifie, pour les mālikites, l'existence de la *shūrā* ou *mashwara*, la consultation des experts par le magistrat; consultation expressément interdite par Ibn Ḥazm, comme on verra. La troisième est la *'adāla* (l'honorabilité constatée), dont on a déjà parlé. Et les deux dernières ne sont que des qualités à souhaiter vivement chez un magistrat.

À part les problèmes d'authenticité que posent ces deux listes, et qu'Ibn Ḥazm devaient bien connaître, il y a une autre raison sans doute pour laquelle notre savant ne s'en est pas servi et ne les a même pas citées, et c'est que, contrairement aux mālikites, il ne compte pas les traditions post-prophétiques parmi les sources légales.

Ce ne sera qu'à partir d'Ibn Rushd al-Jadd (donc, un siècle après Ibn Ḥazm) que l'école mālikite ajoutera au substantif *khiṣāl* l'adjectif *mustaḥabba*, « recommandables », établissant ainsi une différence nette entre ces « qualités » et les *shurūṭ*, les « conditions légales requises », dont le manque chez un juge entacherait de nullité sa nomination.

III

Comme nous avons déjà avancé, le *Muḥallā* d'Ibn Ḥazm et le *Muntaqā* d'al-Bāji sont les premiers textes andalous à mentionner explicitement des conditions comme l'islam et la majorité d'âge, lesquelles étaient sans doute sous-entendues par les auteurs qui jusqu'alors avaient décrit le candidat idéal au poste de cadi. C'étaient des conditions non formulées parce qu'évidentes.

Al-Bāji fut l'adversaire d'Ibn Ḥazm, avec lequel il soutint une célèbre controverse. Il devait donc connaître son oeuvre, et *vice versa*. Mais, étant donné qu'Ibn Ḥazm est de dix-huit ans l'aîné de son opposant, il y a lieu de supposer que le *Muḥallā* est antérieur au *Muntaqā*, et que par con-

séquent Ibn Ḥazm ne put le copier. D'autre part, la liste d'al-Bājī est beaucoup plus longue. La voici¹⁷:

Pour ce qui est de ses qualifications personnelles (*ṣifātuhu fi nafsihi*), [le cadi] doit être 1) mâle et majeur, 2) unique, 3) voyant (pas aveugle), 4) musulman, 5) de condition libre, 6) savant (*ʿālim*), et 7) honorable (*ʿadl*).

Ces qualifications, d'après le propre compte d'al-Bājī, sont sept; mais en réalité il faut en rajouter une, puisque la première – comme on a vu – se subdivise en deux: être de genre masculin et avoir la puberté ou majorité d'âge. Par contre, la deuxième de ses qualifications, l'unicité de juge pour un même procès, n'est pas du tout une condition personnelle du magistrat, mais une règle de la procédure: il n'y a pas de collègue judiciaire dans la procédure islamique¹⁸.

Par conséquent, nos deux auteurs sont seulement d'accord pour affirmer que le *qadī* doit être musulman, majeur (*bālig*) et docte (*ʿālim*).

Mais, malgré leurs différences, Ibn Ḥazm et al-Bājī s'avèrent ici partisans d'une même doctrine: celle de l'existence de conditions sine qua non d'aptitude pour l'exercice de la judicature (quoiqu'Ibn Ḥazm soit – on l'a vu – beaucoup plus restrictif et sans doute plus rigoureux que son adversaire). Je vais tout de suite essayer de montrer qu'ils ont peut-être appris cette doctrine de la même source; et que cette source se trouvait à Bagdad.

IV

Comme on sait, le shāfi'ite Abū l-Ḥasan al-Māwardī (m. 450/1058) et son contemporain le ḥanbalite Abū Ya'la Ibn al-Farrā' (m. 458/1065) ont écrit chacun un ouvrage intitulé *al-Aḥkām al-sulṭāniyya*, où ils ont exposé avec pratiquement les mêmes termes un inventaire minimal des conditions d'aptitude essentielles (*shurūṭ*) pour pouvoir exercer la fonction judiciaire en Islam¹⁹. Ces conditions personnelles préalables sont considérées par

¹⁷ Al-Bājī, *Muntaqā: Sharḥ Muwaṭṭāʾ al-imām Mālik*, Beyrouth 1983, vol. 5, p. 182.

¹⁸ Al-Bājī nous rappelle, d'ailleurs, que cette unité n'exclut pas l'éventuelle pluralité de juges pour une même contrée, mais pas pour un même procès, le cadi n'étant pas forcément le juge unique d'une circonscription.

¹⁹ Ibn al-Farrā', *al-Aḥkām al-Sulṭāniyya*, éd. M. Ḥamid al-Fiḳī, Beyrouth 1983, p. 62f.; al-Māwardī, *al-Aḥkām al-Sulṭāniyya wa-l-wilāyāt al-dīniyya*, Beyrouth s.d.; cf. A. Jackson Sherman, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfi*, Leiden 1996, p. 154.

les deux juristes orientaux nécessaires à la validité de sa nomination et indispensables pour que ses jugements soient exécutoires » (*shurūṭuhu llatī yaṣihhu ma'ahā taqliduhu wa-yanfudhu bihā ḥukmuḥu*).

Ibn al-Farrā' habita Bagdad à la même époque qu'al-Māwardī (il est né en 380/990, seize ans après lui), et ses *Aḥkām* présentent, avec le traité de son contemporain, « de surprenantes similitudes, tout en s'en distinguant cependant sur bien des points »²⁰. Henri Laoust trouve que ces similitudes « peuvent s'expliquer par le fait que les deux hommes appartenaient à l'équipe [du vizir] Ibn al-Muslima »²¹.

Selon al-Māwardī, les conditions d'aptitude sont sept; mais en réalité il faut compter huit, puisque la première se subdivise en deux: le genre masculine et la puberté ou majorité d'âge²²; subdivision qui fut répétée par al-Bājī, comme on vient de constater. Les autres circonstances sont: 2) l'intelligence (pas la simple raison), qui lui permettra de résoudre des problèmes difficiles ou inédits; 3) la condition d'homme libre (mais al-Māwardī ne formule pas d'objection au fait qu'un affranchi puisse exercer de juge); 4) être musulman; 5) avoir la *'adāla* (la même *'adāla* – nous dit-il – qu'on exige pour accepter le témoignage de quelqu'un). La sixième condition est qu'il entende et qu'il voie d'une manière satisfaisante; mais al-Māwardī nous avertit qu'il n'y a d'unanimité que pour accorder que la nomination d'un cadi aveugle serait radicalement nulle (*bāṭila*), et qu'il y a divergence au sujet d'un sourd. Et la dernière condition est qu'il connaisse les lois, les procédures légales et les sources du Droit²³; en définitive, qu'il soit *mujtahid*²⁴.

V

Ainsi qu'il a été montré plus haut, un point commun dans les énumérations des conditions pour la judicature exposées respectivement par al-Māwardī, Ibn Ḥazm et al-Bājī est la science juridique. Mais c'est sans

²⁰ H. Laoust, « Ibn al-Farrā', » *The Encyclopaedia of Islam*. New Edition, vol. 3, p. 765–766.

²¹ H. Laoust, « Ibn al-Farrā', » *The Encyclopaedia of Islam*. New Edition, vol. 3, p. 765–766.

²² Al-Nuwayrī, quand il rapporte la doctrine d'al-Māwardī sur cette question, écrit *thamāniyat shurūṭ* (« huit conditions ») et il commence la liste par: « la masculinité, la puberté... »; cf. *Nihāyat al-arab fi funūn al-'Arab*, Le Caire 1924–55, vol. 6, p. 248.

²³ Al-Māwardī, *Al-Aḥkām al-Sulṭāniyya*, p. 83–84.

²⁴ Pour une traduction anglaise du long paragraphe où al-Māwardī explique ce qu'il entend par cette qualification, voir Jackson, *Islamic Law and the State*, p. 153.

doute Ibn Ḥazm qui se montre le plus contraire à la nomination d'un juge mal informé de la Loi. Dans la suite du paragraphe du *Muḥallā* que je suis en train de commenter, son auteur insiste sur la connaissance parfaite du Coran et la Sunna que le juge doit posséder. Pour le savant zāhirite, un ignorant en matière juridique ne peut absolument pas devenir *qāḍī*, puisqu'il nous dit:

Et si [le juge] ne connaît pas tout ce sur quoi un jugement doit nécessairement se fonder, il ne lui est pas permis de statuer, puisqu'il ignore quel est le commandement à appliquer.

De l'avis de Mālik aussi, le *ʿilm*, la science juridique, était nécessaire pour pouvoir être institué comme juge. Néanmoins, l'inclusion de la science parmi les conditions de capacité indispensables a toujours posé aux théoriciens du *fiqh* (mālikites ou non) préoccupés par la pratique réelle le problème du manque de savants vertueux (ou plutôt: manque d'hommes vertueux qui soient en même temps des savants).

Mais la pratique réelle est un argument qu'Ibn Ḥazm ne paraît pas trouver pertinent. Contrairement aux mālikites, dont la doctrine qui va finalement prévaloir à partir du 12^{ème} siècle sera que l'intelligence (*ʿaql*) est une condition requise, mais la science juridique (*ʿilm*) n'est qu'une qualité souhaitable²⁵. Ce qui suppose chez les mālikites un important changement d'avis, puisque leur doctrine à propos de la science juridique comme condition requise chez les juges était jusqu'à ce moment celle qui fut transmise en ces termes par l'andalusī Ibn ʿAbd al-Barr (m. 463/1071)²⁶, contemporain – et ami, paraît-il – d'Ibn Ḥazm: « N'est pas apte à la charge (de juge) qui serait expert en *ḥadīth* sans l'être aussi en *fiqh*, ni qui connaît parfaitement le *fiqh* et non le *ḥadīth*. » Même au 12^{ème} siècle, le *qāḍī* ʿIyād (m. 544/1149), une des autorités doctrinales du mālikisme, soutenait, dans son ouvrage intitulé *al-Tanbīhāt*²⁷, qu'une des conditions requises pour pouvoir être préposé à l'administration de la justice était « la science », c'est-à-dire, la connaissance des sciences islamiques.

²⁵ Voir Alfonso Carmona, « Le malékisme et les conditions requises pour l'exercice de la judicature, » *Islamic Law and Society* 7 (2000), p. 137.

²⁶ *Al-Kāfi*, Beyrouth 1987, p. 497; cette phrase est rapportée aussi par al-Bājī, *Muntaqā: Sharḥ Muwaṭṭāʾ al-imām Mālik*, Beyrouth 1983, vol. 5, p. 183; et par Ibn Farḥūn, *Tabṣīrat al-ḥukkām*, Le Caire 1884, vol. 1, p. 20.

²⁷ *Apud* Arsenio Cuellas Marqués, *Al-Marqaba al-Ulyā de al-Nubāhī (La atalaya suprema sobre el cadiazgo y el muftiazgo)*, éd. Celia del Moral, Granada 2005, p. 103. Le texte est aussi repris par Ibn Farḥūn dans sa *Tabṣīra* (vol. 1, p. 18) et, sans citer sa source, par al-Wansharīsi, *Kitāb al-Wilāyāt*, éd. H. Bruno et G. Demombynes, Rabat 1937, p. 15.

VI

Al-Māwardī est contraire à la nomination des femmes aux postes judiciaires²⁸. Mais il nous rappelle dans ses *Aḥkām al-Sulṭāniyya* la doctrine d'Abū Ḥanīfa, lequel « soutient », dit-il, « qu'il est licite que la femme soit juge dans les litiges où son témoignage serait valide, et qu'il n'est pas licite qu'elle soit juge dans des causes où son témoignage ne serait pas légal »²⁹. Et il ajoute que « contrairement à l'avis général, Ibn Jarīr al-Ṭabarī (m. 310/922)³⁰ trouva licite le jugement de la femme dans tous les litiges; mais il ne faut pas – nous prévient al-Māwardī – prendre en considération une opinion qui est réfutée par l'*ijmā'* (consensus) »³¹.

Ibn Ḥazm, pour sa part, manifeste clairement son refus d'exclure les femmes de tout pouvoir juridictionnel. C'est vrai que dans la formulation de cette doctrine – dans le passage qui suit – il n'emploie pas l'expression *al-qaḍā' wa-l-hukm* (utilisée par contre dans son énonciation des conditions requises pour exercer la fonction de cadi), mais seulement le terme *al-hukm*; et que la juridiction de la femme se limiterait, d'après lui, à certains domaines (*ba'd umūr*):

Il est valable qu'une femme soit investie du pouvoir de juger. Telle est la doctrine d'Abū Ḥanīfa. Puisqu'il fut rapporté que 'Umar b. al-Khaṭṭāb préposa al-Shafā', une femme de son clan, au marché. (...) Il n'y a aucun texte interdisant qu'une femme soit investie de juridiction sur certaines matières³².

Al-Bājī aussi s'occupe de la question de l'éligibilité des femmes aux postes judiciaires. C'est le premier texte d'auteur mālikite que j'ai trouvé où ce sujet soit traité. Al-Bājī et, après lui, le reste des savants mālikites proclament qu'il n'est pas licite qu'une femme assume des fonctions judiciaires, même si son rôle reste limité à des litiges portant sur des questions patrimoniales sans rapport avec des délits d'homicide ou de blessures. Mais, malgré cette unanimité au sein du *madhhab*, il faut indiquer qu'on ne connaît aucun enseignement de Mālik ni de ses compagnons ou disciples immédiats à ce sujet.

²⁸ Sur l'éligibilité des femmes au cadicat, voir Gh. M. Azad, « Qualifications of a Qāḍī, » *Islamic Studies* 23 (1984), p. 253–256.

²⁹ Al-Māwardī, *Al-Aḥkām al-Sulṭāniyya*, p. 83.

³⁰ Sur al-Ṭabarī et ses opinions, voir Ch. Melchert, *The Formation of the Sunni Schools of Law. 9th – 10th Centuries C.E.*, Leiden 1997, p. 191–197.

³¹ Al-Māwardī, *Al-Aḥkām al-Sulṭāniyya*, p. 83. Cf. Ibn Rushd, *Muqaddamāt*, vol. 2, p. 258.

³² Ibn Ḥazm, *Muḥallā*, vol. 8, p. 567–568 # 1804.

VII

Nous venons de signaler qu'il y a des similitudes et des correspondances entre la doctrine d'al-Māwardī et d'Ibn al-Farrā' et les enseignements d'Ibn Ḥazm, d'une part, et d'al-Bājī, d'autre part. Nous allons maintenant essayer de montrer que ces idées ont pu avoir un rapport de filiation.

Nous sommes certains qu'Ibn Ḥazm devait connaître les *Aḥkām al-Sulṭāniyya* d'al-Māwardī. On sait qu'il s'est beaucoup intéressé à la doctrine shāfi'ite avant de s'attacher au zāhirisme. En tout cas, nous sommes certains que lui, un esprit avide de science, était au courant des activités intellectuelles de son époque, telle que l'œuvre d'al-Māwardī. J'en vois un indice important dans sa liste des conditions essentielles pour l'exercice de la judicature, puisque toutes les quatre se trouvent contenues dans celle d'al-Māwardī, et (ce qui est le plus significatif) il mentionne aussi le reste des conditions exprimées par le savant oriental (sauf l'intégrité physique), bien qu'il le fasse pour formuler des objections à leur inclusion dans l'ensemble des conditions minimales.

Et il est encore plus évident qu'Abū l-Walīd al-Bājī connut la doctrine d'al-Māwardī, puisqu'il le cita expressément à propos d'une des qualifications de sa liste: la *'adāla* (l'honorabilité). Il dit: *qāla l-qāḍī Abū l-Ḥasan...*³³ En effet, Abū l-Ḥasan al-Māwardī fut cadi à Bagdad et ailleurs, et reçut même le titre honorifique d'*aqḍā l-quḍāt*³⁴. La phrase qu'al-Bājī lui attribue ici n'est pas une citation littérale des *Aḥkām*, mais exprime parfaitement sa doctrine, et d'ailleurs notre auteur emploie les propres termes du shāfi'ite: *al-'adāla shart fī ṣiḥḥat al-qāḍā* (« l'honorabilité est une condition requise pour la validité de l'exercice de la judicature »); les mots *shart* (condition) et *ṣiḥḥa* (validité) ne sont utilisés par al-Bājī qu'à cette occasion dans le chapitre qu'il intitule *ṣifat al-qāḍī* (qualités du juge), et non pas *shurūṭ al-qāḍā* (Conditions requises pour la judicature). Et on a aussi vu qu'al-Bājī, à l'instar d'al-Māwardī, réunit dans une même condition la masculinité et la majorité.

Et qui plus est: al-Bājī eut l'occasion d'être le disciple directe d'al-Māwardī, puisqu'il séjourna à Bagdad pendant trois ans, entre 430/1039 et 438/1046, quand al-Māwardī était encore vivant et actif, comme le prouve

³³ Al-Bājī, *Muntaqā*, vol. 8, p. 184.

³⁴ Voir C. Brockelmann, « al-Māwardī », *The Encyclopaedia of Islam. New Edition*, vol. 6, p. 869. Al-Nuwayrī (*Nihāyat al-arab*, vol. 6, p. 251) l'appelle « *Aqḍā al-quḍāt* Abū l-Ḥasan 'Alī al-Māwardī ».

le fait qu'il allait encore remplir une mission diplomatique pour le calife al-Qā'im en 435/1043.

VIII

La formule utilisée par al-Māwardī pour introduire sa liste des conditions d'aptitude signale explicitement qu'elles étaient toutes nécessaires pour que les jugements du cadī fussent exécutoires: *shurūṭuhu llatī yaṣihḥu ma'ahā taqlīduhu wa-yanfudhu bi-hā ḥukmuḥu* (« ses conditions personnelles préalables nécessaires à la validité de sa nomination et indispensables pour que ses jugements soient exécutoires »).

Et pour ce qui est de la formule d'Ibn Ḥazm (*lā yaḥill an yalī al-qaḍā' wa-l-ḥukm... illā...* = « il n'est pas licite de nommer pour la judicature... sauf celui qui... »), celle-ci n'implique pas littéralement l'annulation des sentences issues d'un juge nommé sans capacité légale. Ce qui est en accord avec la doctrine qu'Ibn Ḥazm soutient ailleurs³⁵, selon laquelle les sentences d'un juge nommé par une autorité irrégulière sont valides si elles sont conformes au droit. Tout cela montre que notre juriste ne considérait pas que les sentences issues d'un juge dont la *wilāya* (nomination) était illicite étaient nulles de ce seul fait. C'est le même principe que suivirent Aṣḥabagh et Ibn al-Mawwāz parmi les fondateurs du mālikisme, comme nous exposerons ensuite.

Quant à al-Bājī, il ne pensait pas que l'absence d'une ou plusieurs qualifications rendait radicalement nulle la *wilāya*, puisqu'il était d'avis que seul l'imam pouvait prononcer la nullité de la nomination. Mais il faut remarquer que cette opinion n'est pas partagée par tous les juristes mālikites. Bien au contraire, deux critères s'opposaient à l'école mālikite depuis le 9^{ème} siècle (c'est-à-dire, depuis son commencement en réalité). D'une part, celui d'Aṣḥabagh et de Saḥnūn qui estimaient que le manque d'une condition légale requise annulait la nomination et, partant, les jugements, le magistrat étant en réalité un faux juge. Et d'autre part, celui d'Aṣḥabagh et d'Ibn al-Mawwāz qui tous les deux étaient contre l'invalidation automatique de la nomination. Ils soutenaient que, tant que l'imam n'aurait pas résilié la nomination, le magistrat était un véritable juge et la contestation de son verdict ne pourrait se fonder sur l'illégalité du juge, mais sur

³⁵ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 536.

l'illégalité du jugement³⁶. C'est ce critère qui va être adopté par le juriste et traditionniste sévillan Abū Bakr Ibn al-'Arabī (m. 543/1148), qui écrit dans ses *Aḥkām al-Qur'ān*³⁷:

Quant aux verdicts du *fāsiq*, si c'est un juge nommé par l'autorité (*in kāna ḥākim^{an} wālīy^{an}*), ceux-ci sont valables et exécutoires pourvu qu'ils correspondent à la vérité et au droit. Ils seront annulables seulement s'ils contredisent le droit et la vérité. Mais aucun jugement qu'il aurait souscrit ne peut être révoqué [du seul fait de son *fisq*].

IX

Le point où le désaccord entre les mālikites et Ibn Ḥazm est total est exprimé ainsi par lui, dans la suite du paragraphe de son *Muḥallā* que nous sommes en train de commenter:

Et, au cas où le juge n'aurait pas les connaissances que nous venons d'exposer, il ne lui est pas permis de consulter les savants qui soient supposés posséder les savoirs nécessaires en la matière, et de statuer après en s'appuyant sur leur opinion, puisqu'il ne sait pas si cet avis est bien ou mal fondé. Dieu dit: « Ne poursuis point ce que tu ne connais pas. » [Q 17:36]. Et celui qui se range à un avis dont il ne connaît pas le fondement, suit ce qu'il ignore et se révolte ainsi contre Dieu³⁸.

Et quelques lignes après il établit:

Non seulement le juge n'est pas tenu de se prononcer sur une affaire dont il ignore la norme à appliquer; mais, qui plus est, il lui est défendu de statuer là-dessus, et c'est à un autre savant à qui Dieu chargera de cette tâche³⁹.

Alors, selon l'idée exposée ici par l'andalousi, un musulman non seulement ne pourra être forcé à accepter le cadicat s'il redoute de ne pas posséder les connaissances requises, mais encore, une fois nommé, il a le droit de refuser d'accomplir sa tâche. Ibn Ḥazm accorde donc au magistrat le droit de se récuser, de refuser d'endosser la responsabilité du verdict, en se déclarant dans l'incapacité de déterminer.

³⁶ Voir Carmona, « Le malékisme et les conditions requises, » p. 137–140.

³⁷ Abū Bakr Ibn al-'Arabī, *Aḥkām al-Qur'ān*, éd. M. 'Abd al-Qādir 'Aṭā', Beyrouth 1988, vol. 4, p. 148.

³⁸ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 428 # 1779.

³⁹ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 429.

Mālik aussi accorda ce droit au *cadi*, puisqu'il dit: « Si l'affaire n'était pas claire pour le juge, il doit le laisser et ne pas rendre jugement s'il a dans son cœur tant soit peu de doute »⁴⁰. Mais l'inconvénient de cette doctrine est sans doute l'incertitude qu'elle pourrait laisser peser sur le système judiciaire. Pour éviter cela, les *mālikites* – contre l'avis de leur éponyme – exigent du magistrat qu'il se prononce sur tous les contentieux qui lui sont soumis, qu'il connaisse de toutes les contestations qui lui sont déferées, en ayant recours, si besoin, aux *muftis* et *conseillers*, qui lui permettront de bien s'acquitter de cette tâche.

En face de ce réalisme, Ibn Ḥazm, on l'a vu, interdit au *cadi* hésitant la consultation sur des points de droit, même si la décision finale n'appartient pas au *mufti* ou au *mushāwar* consulté, mais au juge qui prend avis. Et cela malgré les deux versets du Qurʾān utilisés par les partisans de la *shūrā* comme justification de cette institution: « Et consulte-les sur l'affaire » (Q 3:159); et « Ceux qui se consultent mutuellement » (Q 42:38).

Ibn Ḥazm proscriit donc la *shūrā*, une institution légale bien chère au système judiciaire établi par les *mālikites* en al-Andalus, quoiqu'elle ne soit pas une institution exclusivement andalouse⁴¹.

X

Afin d'assurer l'indépendance des juges et des témoins et la neutralité qu'ils doivent observer au regard des parties, la procédure islamique fixa dès le début, parmi les causes de récusation d'un magistrat ou d'un témoin et de leur écart d'un procès, en plus du rapport de parenté entre le juge ou le témoin et une des parties, l'amitié intime ou l'inimitié manifeste du magistrat ou du témoin à l'égard d'un des plaideurs.

Par contre, pour Ibn Ḥazm, les garanties d'impartialité dont la juridiction doit être munie sont assurées beaucoup plus par la stricte application de la Loi de l'Islam que par les conditions du personnel juridictionnel. Aussi bien n'envisage-t-il pas le renvoi pour cause de suspicion légitime, à l'opposé des *mālikites* et des autres écoles juridiques. En n'admettant pas la récusation d'un témoin honorable pour cause de parenté ou d'affection/désaffection, ni celle d'un magistrat pour crainte légitime qu'il puisse juger avec partialité, Ibn Ḥazm tend à ignorer le facteur humain, et

⁴⁰ Al-Azdī, *Mufīd*, fol. 3b:5.

⁴¹ Sur le fonctionnement de la *shūrā*, on doit consulter l'article de M. Marín, « *Šūrā* et *ahl al-šūrā* dans al-Andalus, » *Studia Islamica* 61–62 (1985), p. 25–51.

accorde toute sa confiance au juge et aux témoins qui soient tenus pour des gens droits et honorables. Voici sa doctrine⁴²:

Si un magistrat rend un jugement juste contre un ennemi à lui, ce jugement a force exécutoire aussi bien que s'il l'avait prononcé contre un ami à lui. Et de la même façon, si le jugement juste est favorable à un ami, il est aussi valable que s'il l'avait rendu en faveur d'un ennemi. Pareillement, si quelqu'un honorable (*'adl*) rend témoignage contre un ennemi à lui, ce témoignage est valable aussi bien que s'il avait été rendu contre un ami à lui. Et de même, si le témoignage est favorable à n'importe lequel des deux.

XI

Pour finir, nous allons évoquer un autre point de désaccord entre Ibn Ḥazm et son contexte social mālikite. Il s'agit de son avis favorable à la nomination des esclaves pour exercer la fonction de juge. Voici ses propos:

Il est valable qu'un esclave soit nommé juge, parce que Dieu lui a donné l'ordre, à lui aussi, de commander le bien et interdire le mal. Et d'ailleurs, Dieu a dit « Jugez vos semblable avec équité » [Q 4:58]; et ces paroles sont adressées tant à l'homme qu'à la femme, tant au libre qu'à l'esclave⁴³.

Donc, il n'exclut de la judicature ni les femmes (comme nous avons déjà eu l'occasion de signaler ici même) ni les esclaves. Dans ces questions, il applique un principe bien cher à lui: si l'on ne peut apporter un *naṣṣ* (un verset du Qur'ān ou un *ḥadīth*) qui condamne une action, celle-ci tombe dans la catégorie du *mubāḥ* (licite); et il déclare qu'aucun *naṣṣ* n'a interdit que la femme ou l'esclave soient cadis⁴⁴.

À nos yeux, cette doctrine d'Ibn Ḥazm ne répond pas à une prise de position qu'on pourrait qualifier de libérale, qui défendrait les droits de la femme ou des esclaves, mais au contraire elle découle tout simplement de sa logique juridique personnelle, insensible à la réalité historique et ne craignant pas de formuler un droit inactuel – pour reprendre les mots de R. Arnaldez⁴⁵.

Par contre, en total désaccord avec la proposition défendue par Ibn Ḥazm, tous les courants juridiques soutiennent que la nomination d'un esclave n'est pas légale. Dans le chapitre intitulé « Qui peut valablement

⁴² Ibn Ḥazm, *Muḥallā*, vol. 8, p. 512 # 1794.

⁴³ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 568 # 1805.

⁴⁴ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 527–529.

⁴⁵ R. Arnaldez, « Ibn Ḥazm, » *The Encyclopaedia of Islam*. New Edition, vol. 3, p. 795.

être juge » (*Man yajūzu qaḍā'uḥu*) de sa *Bidāya*, Ibn Rushd le Jeune (m. 590/1194)⁴⁶, signale que les conditions exigées unanimement par tous les courants du sunnisme comme indispensables à la validité de la nomination ne sont que quatre, et il inclut la liberté, en plus d'Islam, la majorité et l'intelligence.

Averroès fait remarquer que la nécessité de la masculinité est soumise à question par les ḥanafites. Il remarque qu'il y a une controverse opposant ceux qui soutiennent que la *'adāla* est requise pour la validité de la nomination et qui la considèrent seulement comme nécessaire à la poursuite de l'exercice de la charge. Et il mentionne le débat qui oppose ceux qui considèrent la capacité d'*ijtihād* comme une condition essentielle et ceux qui ne la tiennent que pour une qualité souhaitable. Mais, il assure (nous l'avons dit) que la liberté est une condition qui jouit d'un consensus unanime. Il ne prend donc pas en compte l'opinion d'Ibn Ḥazm.

Mais, dans cette question, Saḥnūn va plus loin. Il dit: « Ni [la nomination] de l'affranchi, de crainte que quelqu'un puisse revendiquer sa propriété et que tous les jugements qu'il aurait prononcés deviennent nuls (*wa-l-mu'taq khawfan min an tustaḥaqqā raqabatuhu fa-tadḥhab aḥkām al-nās bāṭilan*) »⁴⁷. Ce qui veut dire que Saḥnūn considère que le manque d'une condition légale requise (ici, il s'agirait de la possibilité que le juge ne fût pas un homme libre) annule la nomination et, partant, les jugements, le magistrat étant en réalité un faux juge, parce qu'il ne remplit pas une des conditions personnelles préalables « nécessaires à la validité de sa nomination et indispensables pour que ses jugements soient exécutoires, » selon les propos d'al-Māwardī⁴⁸ déjà consignés ici.

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⁴⁶ Pour une analyse de la *Bidāya* dans le cadre du régime almohade, on peut voir Mariabel Fierro, « The Legal Policies of the Almohad Caliphs and Ibn Rushd's *Bidāyat al-mujtahid*, » *Journal of Islamic Studies* 10 (1999), p. 226–248.

⁴⁷ Cité par Ibn Farḥūn, *Tabṣira*, vol. 1, p. 18. Ce texte de Saḥnūn a été traduit par H. Bruno et M. Gaudetroy-Demombynes d'une façon bien surprenante: « l'affranchi, de crainte que son esclavage ne lui ait laissé des besoins et que les jugements des plaideurs ne s'en aillent en fumée » (*Le livre des magistratures*, p. 38 n. 4).

⁴⁸ Al-Māwardī, *Al-Aḥkām al-Sultāniyya*, p. 83.

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CLAIM (*DA'WĀ*) OR COMPLAINT (*SHAKWĀ*)? IBN ḤAZM'S AND QĀḌĪ 'IYĀḌ'S DOCTRINES ON ACCUSATIONS OF RAPE¹

Delfina Serrano

In this paper I deal with a *fatwā* in which the Mālikī Qāḍī 'Iyāḍ b. Mūsā referred to accusations of rape as complaints (*shakwā*, *tashakkī*), or to be more precise as “expressions of grief,” rather than as claims (*da'wā*). 'Iyāḍ's word selection is distinct from the relevant linguistic practice within mainstream Mālikism. According to the latter, accusations of rape are termed “claims” with the implication that they are subject to the statutory sanction of calumny if they cannot be duly substantiated. 'Iyāḍ's resort to the idea of “complaining,” however, starts to make sense when it is examined in the light of Ibn Ḥazm's doctrine on rape. In what follows I contend that rather than being accidental, this coincidence may well reflect the impact of Ibn Ḥazm's sharp criticism of Mālikī doctrine and the strength of the moral challenges he managed to raise toward it.²

¹ This paper is the fourth in an ongoing study on rape in Mālikī legal doctrine and practice in al-Andalus and the Maghrib, carried out within two research projects: “Cruelty and compassion in Arabic and Islamic literature: a contribution to the history of emotions,” funded by the Spanish Ministry of Science and Technology (Ref. HUM2006-04475/FILO), and “Sexual taboos and family structures: *shari'a* and sexual ethics in the pre-modern Islamic World,” (Ref. FF12010-16314) funded by the Ministry of Science and Innovation. The previous three papers were published in D. Serrano Ruano, “La violación en derecho malikí: doctrina y práctica a partir de tres fetuas de los siglos X a XII d. C.,” *Mélanges de la Casa de Velázquez*, Nouvelle Série, 33 i (2003), pp. 125–148; eadem, “Doctrina legal islámica sobre el delito de violación: Escuela Malikí (ss. VII–XV),” *Mujeres y Sociedad Islámica: Una Visión Plural* ed. María Isabel Calero Secall, Málaga 2006, pp. 145–172; eadem, “Rape in Maliki legal doctrine and practice (8th–15th century CE),” *Hawwa* 5 ii–iii (2007), pp. 166–207. I thank the editors of this volume, especially Camilla Adang, for their suggestions for improving my contribution.

² Ibn Ḥazm's criticisms against the Mālikis and the latter's counter-arguments in different forms are well known mainly through A.M. Turki's *Polémiques entre Ibn Ḥazm et Bāḡī sur les principes de la loi musulmane: essai sur le littéralisme zahirite et la finalité malikite* (Algiers 1973), and the studies by M. Asin Palacios, C. Adang and M. Fierro cited below. The question of the moral challenges raised by Ibn Ḥazm, i.e. his pointing to a series of injustices allegedly produced by the doctrine of the Sunni legal schools, and his perception that jurists can distinguish between what is fair and what is unfair has been addressed by Roger Arnaldez (*The Encyclopaedia of Islam*. New Edition, s.v. “Ibn Ḥazm, Abū Muḥammad 'Alī b. Aḥmad b. Sa'īd”) and, focusing on the Islamic law on rebellion, by Khaled Abou El Fadl (*Rebellion and Violence in Islamic Law*, Cambridge 2001, pp. 208–217). For Arnaldez, the moralist dimension of Ibn Ḥazm's work is the result of his “temperament, spiritual

Given the lack of 'Iyāḍ's explicit acknowledgement that he was either abandoning his school's doctrine, or following Ibn Ḥazm, on that particular point³—and it would have been really extraordinary if he had done so—the existence of a case of doctrinal fluidity cannot be established with certainty. However, there is some textual evidence suggesting that such influence might actually have occurred, that some of 'Iyāḍ's fellow-Mālikīs were aware of this fact and that they tried to conceal it. These testimonies emerge, as I will show in what follows, after a careful examination of 'Iyāḍ's doctrine on rape in the light of 1) Mālikī jurisprudence on rape as elaborated by 'Iyāḍ's predecessors, 2) Ibn Ḥazm's criticism of Mālikī doctrine on rape and 3) late classical Mālikī doctrine on the subject. Furthermore, 'Iyāḍ's references to either Zāhirism or Ibn Ḥazm in his books will also be taken into account.

The possibility that Ibn Ḥazm's doctrine on denouncing rape may have influenced a jurist from another school becomes more likely in the light of recent assessments of his remarks, which, unlike the relevant doctrines of the four Sunni legal schools, have been judged meaningful for contemporary understandings of human rights, and of justice and gender equality.⁴ In contrast, 'Iyāḍ's "deviation" from mainstream Mālikism has attracted little attention despite its relevance to legal practice in Muslim-majority countries.

Apart from pointing to fluidity between Zāhirī and Mālikī opinions beyond what is explicitly acknowledged in the literary tradition produced by both schools, this paper aims to draw attention to the significance of apparently minor details when they are examined in chronological perspective.

qualities and his powers of observation and analysis." Abou El Fadl, for his part, stresses the "uncompromising moralizing" form of Ibn Ḥazm's discourse and his lack of interest in institutions or in the pragmatic application of the law, although he is aware that Ibn Ḥazm "was not a stranger to the institutions of the state or the pragmatic processes of government." Abou El Fadl relates Ibn Ḥazm's moralizing discourse to his being less "encumbered by earlier opinions or precedents from his own Zāhirī school than the jurists of the Sunni legal schools." To which extent Ibn Ḥazm's remarks moved his Mālikī and non-Zāhirī opponents to change or nuance their positions is a much less trodden path. The present paper is thus meant as a contribution to filling that gap.

³ Taken in isolation, his arguments would rather appear as the natural consequence of applying common sense to legal discourse.

⁴ See, for example, "Zina, Rape, and Islamic Law: An Islamic Legal Analysis of the Rape Laws of Pakistan", a position paper, http://www.karamah.org/docs/Zina_article_Final.pdf, online 28-08-06, quoting Ibn Ḥazm, *al-Muḥallā*, Beirut n.d., vol. 12, p. 260f. In this paper, the doctrines relevant to rape of the four Sunni legal schools are passed under review and the negative consequences of their implementation by contemporary legal systems assessed.

CLASSICAL MĀLIKĪ DOCTRINE ON RAPE

According to the Mālikī doctrine on rape, a man who is found guilty of the crime of rape must receive the penalty established for *zinā*, i.e. illegitimate sexual intercourse, consisting of a hundred lashes plus a one-year banishment if he is not a *muḥṣan*.⁵ The *muḥṣan* proved guilty of rape, for his part, must be stoned to death. Unlike consensual *zinā*, rape entails financial liability as well, so that the culprit must pay the victim the bride-price corresponding to a woman of her physical and social condition (*ṣadāq al-mithl*) if she is free, regardless of whether she is a virgin or not. If she is a slave, either virgin or non-virgin, she is entitled to compensation equivalent to the decrease in the value of a female slave caused by her loss of virginity. If the accused is a slave, and he is found guilty, he must be punished with half the penalty established for the non-*muḥṣan*, i.e. fifty lashes with the whip, or alternatively, his master may opt for delivering the slave to his victim if she is a free woman. Also, the owner of the slave is obliged to pay *ṣadāq al-mithl* to the victim if she is a free woman, or compensation if she is a slave. A *dhimmi* who is found guilty of raping a free Muslim woman must be sentenced to death, and his crime is considered a breach of the covenant under which he was allowed to live in Islamic territory. If the victim of a *dhimmi* rapist is a slave, there is disagreement as to whether he must be put to death or not, the majority opinion being that he must not, although a severe corrective punishment is to be applied to him. The financial liability of the *dhimmi* towards the victim remains the same as that of Muslims.

Proving a case of rape is subject to the same requirements as proving a case of *zinā*: either four trustworthy male witnesses who have seen the crime in the most intimate details—i.e., who have witnessed the act of penetration itself—must be produced, or the accused must confess to his crime. Otherwise, the *ḥadd* punishment cannot be applied to the accused. Another consequence of the assimilation between rape and *zinā* is that a woman who does not manage to substantiate her claim may incur the punishment for calumny (*qadhḥ* or *firya*),⁶ consisting of eighty lashes.

However, and given that meeting the aforementioned evidential requirements was very difficult (not to say almost impossible), by the time Qāḍī 'Iyāḍ was active, Mālikīs had already elaborated a doctrine of

⁵ A *muḥṣan* is a free Muslim person who has not previously enjoyed legal sexual relations within marriage or concubinage.

⁶ I.e., false accusation of *zinā*.

circumstantial evidence (*qarā'in*) of rape, so that the lack of complete proof of the crime might prevent the implementation of the statutory sanction for *zinā* to the accused but made it possible, under certain circumstances, to apply a corrective to him with the ensuing financial liabilities. Under the label of “circumstantial evidence of rape” Mālikīs admitted the following: the declaration of at least two male and upright witnesses that they saw the accused kidnap the victim, or take her away against her will and conceal her in a hidden place from which her cries and her demands for help cannot be heard and in which it is presumed that he could perpetrate the crime. Also, Mālikī jurists admitted accusations of rape if they were made in public while the claimant was holding on to (*ta'allaqat*) the accused. If the victim did not manage to take hold of the rapist, the outcome of her accusation depended very much on the reputation of both the rapist and herself. If she was still bleeding while she accused a man of having raped her—if she was a virgin—or appeared crying, shouting and asking for help, her claim operated as a guarantee to avert the punishment for *zinā* in case she became pregnant by the rapist. If the rapist had a very bad name whereas she was of good reputation, he could still be punished and obliged to pay her either the bride-price or compensation, if he refused to take an oath while rejecting her claim. However, if she had a bad name and the accused was a man of good reputation, the best she could expect from her claim was to avert the punishment for *zinā* in case she became pregnant, although the chances of her being punished for calumny were very high.⁷

In my view, the aforementioned jurisprudence is meant to discourage women from making accusations of rape, and is tributary to the primary concern of protecting men's reputation.

IBN ḤAZM'S CRITICISM OF MĀLIKĪ DOCTRINE ON RAPE

Ibn Ḥazm expounds his doctrine on rape, or rather, on making accusations of rape, in the chapter on statutory sanctions (*kitāb al-ḥudūd*) of his *Muḥallā*,⁸ section on calumny (*al-ramy bi-l-zinā wa-huwa l-qadhf*),⁹ question number 2,241 “on a woman who claims that a certain man raped

⁷ For bibliographical references see above, n. 1.

⁸ Ibn Ḥazm, *al-Muḥallā*, Cairo 1928–34, vol. 11, pp. 118–300.

⁹ *Muḥallā*, vol. 11, pp. 265–300.

her (*fī man idda‘at anna fulān^{an} istakrahahā*).¹⁰ He opens the discussion by quoting a series of relevant *ḥadīths*, the first of which he transmits from Ḥumām on the authority of Ibn Mufarrij from Ibn al-A‘rābī from al-Dabarī from ‘Abd al-Razzāq from Ma‘mar, who had it from al-Zuhri and Qatāda. Both of them related the case of a woman who falsely accused a man (*qadhafat rajul^{an} bi-nafsihā*) of having seized her against her will (*ghalaba ‘alā nafsihā*). The man denied the accusation, and given that she had no witnesses (*bayyina*), she received the punishment established for calumny (*ḥadd al-fīrya*). 2) The second *ḥadīth* is transmitted by Ibn Ḥazm on the authority of ‘Abd Allāh b. al-Rabī‘ from ‘Abd Allāh b. Muḥammad b. ‘Uthmān from Aḥmad b. Khālīd from ‘Alī b. ‘Abd al-‘Azīz from al-Ḥajjāj b. al-Minhāl from Ḥammād b. Salama, who was told by Qatāda that a man raped (*istakraha*) a woman. She started to shout (*ṣāhat*), and a *mu‘adhdhin* arrived and testified before ‘Umar b. ‘Abd al-‘Azīz in her favour that he had heard her shouting; as a consequence, [‘Umar] did not flog her (*fa-lam yujallidhā*). 3) Ibn Ḥazm transmits the third *ḥadīth* from ‘Abd Allāh b. al-Rabī‘, who had it from Ibn Mufarrij from Qāsim b. Aṣṣbagh from Ibn Waḍḍāḥ from Saḥnūn from Ibn Wahb. The latter reported that ‘Amīra b. Abī Nājiya had it from Yazīd b. Abī Ḥabība who had it from ‘Umar b. ‘Abd al-‘Azīz that a woman appeared before him claiming (*fa-qālat*) that a certain man had raped her (lit. “forced me [to commit *zinā*] against my will: *istakrahanī ‘alā nafsi*”). ‘Umar then asked her whether anyone had heard her [shouting] or seen [what she claimed happened]. When she replied in the negative he ordered her to be flogged for having slandered the man (*fa-jalladahā bi-l-rajul*), who is identified in the tradition (*wa-huwa*) as ‘Amr b. Muslim or Iṣḥāq b. Muslim, the *mawlā* of ‘Amr b. ‘Uthmān. Finally, Ibn Ḥazm reports that Ibn Wahb asked Mālik about the case of a woman who claims (*taqūl*) that a certain man forced her to commit *zinā* against her will. Mālik replied that if the accused were a man who could not be suspected of something like that [because of his good reputation] (*in kāna laysa mimma[n] yushār ilayhi bi-dhālīka*) she had to be flogged [for calumny] but if he were suspected of immorality (*fisq*) [the authorities] must reflect on what to do with him (*nuzīra fī dhālīka*).

Ibn Ḥazm comments that in the latter situation, i.e., a man suspected of committing rape but against whom no conclusive proofs exist, what they use to do—and here, we must understand that he refers to the legal practice concerning accusations of rape that was prevalent in al-Andalus

¹⁰ *Muḥallā*, vol. 11, pp. 291–293.

in his days¹¹—is to put the accused in jail (*hāhunā yarūn ‘alayhi l-sijn*) for a long period of time, to punish him with a corrective (*al-adab*) and to oblige him to pay (*gharm*) the claimant her bride-price. Further, he says, the aforementioned are opinions (*aqwāl*) that revolve around different options: 1) either to punish the claimant with the *ḥadd* for calumny if she does not present witnesses (*bayyina*), which is the view of al-Zuhri and Qatāda, 2) or to exempt her from punishment (*immā isqāt al-ḥadd ‘alayhā*) with the declaration of a single witness that he only heard her shout, an opinion that derives from ‘Umar b. ‘Abd al-‘Azīz; otherwise, she must be punished for calumny. 3) A third option is to lift the statutory sanction from her (*yudra’ anḥā l-ḥadd*) if a non-married man had been seen in her company (*yurā ma‘ahā khālīy^{an}*) and [the crime] had left any trace on him (*wa-yu’aththir fihi athar^{an}*), or if her shouts are heard by someone, this being the opinion of Rabī‘a as well as that of Yaḥyā b. Sa‘īd al-Anṣārī. The latter added that the man accused should be subjected to the severest corporal punishment (*an yu‘āqab al-mudda‘ā ‘alayhi [wa]-an kāna dhālika ashadd al-‘uqūba*) if anything of the above-mentioned—i.e. his being suspect of corruption—applies to him. Otherwise, the woman is subject to the statutory sanction for calumny. 4) Fourth, if [despite the lack of conclusive proofs, circumstances] recommend reflection on the issue (*wa-immā an-yunẓar*), were the accused found to be a honest man (*min ahl al-‘āfiya*), she must be punished for calumny. On the contrary, if he is known for being immoral she must be exempted from any liability and he must be imprisoned for a long time and obliged to pay her the bride-price, this being the opinion of Mālik.

Subsequently, Ibn Ḥazm refutes these opinions starting with that of Mālik, which he considers affected by an obvious error (*ammā qawl Mālik fa-zāhir al-khaṭa*) since he draws a distinction between accusing (*al-iddi‘ā*) someone with a good reputation (*al-mushār ilayhi bi-l-khayr*) and someone with a bad reputation (*fisq*). However, Ibn Ḥazm remarks, neither the Qur’ān nor the *sunna*, nor consensus nor analogy nor the opinion of any of the Companions imposes the need to make such a distinction. Rather, according to the general agreement of the community of Muslims (*wa-qad ajma‘at al-umma*), when someone presents a demand for payment of a debt against someone else, but the debtor denies the claim, he, i.e., the defendant, must swear an oath, even if he is one of the Prophet’s Companions. In fact, ‘Umar, ‘Uthmān, Ibn ‘Umar and others were required to swear

¹¹ See below, Sections 2 and 3.

oaths before *qāḍīs* although nobody is more excellent than they, and more remote from suspicion and from accusations of greed and injustice (*jahd al-māl wa-l-ẓulm*). Misappropriation (*al-ghaṣb*), now, is like claiming to have been forced to commit *zinā* (*ka-l-da'wā bi-l-ghalba fi l-zinā*), without any difference because both of them entail a violation of the sacred and disobedience to God's commands (*ḥarām wa-ma'ṣiya*).

To substantiate the latter argument Ibn Ḥazm quotes two Prophetic traditions. According to the first one, the Prophet said that in matters concerning property rights as well as intentional and accidental physical damage, the party obliged to swear an oath is that against whom a claim is made. According to the second tradition, the Prophet said to one of his Companions who litigated with another man: "either *you* present witnesses or *he* swears an oath."

According to Ibn Ḥazm, another question on which the community of Muslims, including Mālik, unanimously agreed is that a Muslim is [presumed] innocent, virtuous and righteous (*bari^{an} fāḍil^{an} 'ādil^{an}*) [unless proof to the contrary is provided]. In cases of reclaiming unpaid debts in which the creditor has not witnesses in his favor, the defendant will be free of the claim after swearing an oath, even if he were a Jew or a Christian, and the creditor one of the Prophet's Companions (and vice versa, i.e. a *dhimmī* creditor and a Muslim debtor). The only case in which a claimant is not entitled to have a Muslim defendant swear is [when the former] is an infidel (*kāfir*). Then, Ibn Ḥazm comments, how is it possible that she, i.e. the alleged victim of rape, is awarded her claim (*fa-kayf yuqḍā lahā bi-da'wāhā*) so that the accused is obliged to pay her the bride-price just because he is immoral (*fāsiq*), while there is none more perverted than an infidel. This latter assertion is reinforced by Ibn Ḥazm with a verse from the Qur'ān (*qālā Llāh ta'ālā*): "the infidels are the perverted (*al-kāfirūn hum al-fāsiqūn*)."¹² And these, he points out, are two aspects of the error [of Mālik's opinion]. Regarding the third aspect of the error, it lies in sentencing the accused to imprisonment and to discretionary corporal punishment (*'uqūba*) without the testimony of witnesses, since this is an obvious injustice that cannot be hidden (*ẓulm ẓāhir lā khafā'a bihi*). Fourth, Ibn Ḥazm observes, either (*lā yakhlū min an*) he, i.e., Mālik, gives her credit or rejects her claim, leaving no way for a third option, for

¹² This seems to be rather a combination of several Qur'ānic verses, either Q 2:254: "al-kāfirūn hum al-zālimūn" or 3:82; 5:47; 24:4; 24:55; 59:19: "fa-ulā'ika l-kāfirūn", or Q 67:9: "al-munāfiqīn hum al-kāfirūn."

giving her credit renders it advisable for him to sentence her to the statutory sanction for *zinā*; otherwise he contradicts himself and squanders a right of God (*tanāqaḍa wa-ḍayya'a ḥaqq^{an} li-Llāh*). On the other hand, if he does not believe her, what is the purpose of putting the accused in prison and of imposing payment of the bride-price upon him? Be that as it may, this means awarding her (*yu'akkiluhā*) money for something null and void (*bāṭil*) and taking his money without her being entitled to it. In Ibn Ḥazm's view, a fifth aspect of the error is to have her punished with the statutory sanction for calumny when she accuses (*takallamat*) a man who is known for his honesty and with stoning to death for *zinā* if, being a *muḥṣana*, it appears after a certain time that she is pregnant, since this is an injustice of the worst kind (*hādha ḡulm mā sumi'a bi-ashna' minhu*)¹³ and a breach of religion (*jarḥ fi l-dīn*) which was never the object of any divine revelation nor has any information reached us of anyone before Mālik having established such a distinction.

In Ibn Ḥazm's view, the question should be submitted to God's words: "if you litigate among yourselves concerning something, submit it to the judgment of God and his Messenger."¹⁴ In accordance with these words, he remarks, one finds that God has established a statutory sanction (*ḥadd*) for those who accuse other persons of *zinā* without proof. Regarding the case of a woman who complains (*tashtakī*) against someone for having seized her against her will (*ghalabahā 'alā nafsihā*), Ibn Ḥazm observes that one cannot reject the possibility that she may be committing calumny, but also that she may not. In the former case, there is no doubt that she should be punished accordingly since nobody questions that a man or a woman who makes a false accusation of *zinā* against an immoral person must be subjected to the corresponding statutory sanction in the same way as he or she who makes a similar accusation against a virtuous person, without distinction, calumny (*al-qadhḥ*) being a crime whose object is [to cast] fault and blame (*al-qadhḥ huwa mā qaṣada bihi al-'ayb wa-l-dhamm*). However, the case of the aforementioned woman is not that of someone guilty of the *ḥadd* crime [of calumny] but that of someone who "presents a complaint" (*mushtakiya mudda'īya*), and if she is not guilty of calumny she cannot be punished with the established punishment. Rather, she must be required to provide witnesses, and if she does, the statutory sanction for *zinā* must be applied to the accused. Otherwise,

¹³ See above, n. 2.

¹⁴ Q 4:59.

no obligation at all can be imposed on him, be it imprisonment, corporal punishment or a monetary payment (*gharama*), since his property and his skin (*bashara*) are inviolable and his movements are not restricted (*wa-mubāḥ lahu al-mashy fi l-arḍ*). In this connection, Ibn Ḥazm quotes Q 67:15: “move to its [different] parts,” i.e. of the earth. And he adds:

if someone said: “if there were no witnesses, call upon him to swear an oath that the accusation is false,” we would answer that her claim (*da'wāhā*) entails a right for herself but also a right of God which she cannot claim or abandon at her discretion. Her right consists of the transgression and the *injustice*¹⁵ committed against her. The right of God is the crime of *zinā*. And what is obligatory is to award her the right to have the accused swear an oath according to the following formula: “by God, I did not commit any transgression against you nor did I commit any *injustice*¹⁶ against you”. This way he will be cleared of blame. However, it is not permitted to have him swear that he did not commit *zinā*, since no one can have another person swear an oath concerning a right in which he/she has no capacity to intervene (*laysa lahu fihi madkhal*), and nobody disagrees with that. Likewise, nobody disagrees that when someone says to another “you seized from me and Zayd one dinar (*ghaṣabtani wa-Zayd^{un} dīnār^{un}*),” he can have the accused swear an oath only for his part of the dinar, not for Zayd's part.

As regards the difference between blame (*al-dhamm*) and complaint (*shakwā*), Muslim jurists agree that someone who tells another without further ado or within the course of a conversation (*ibtidā^{un} aw fi kalām baynahumā*) “hey, unjust” or “hey, misappropriator” is rude. Some argue for punishing him with a corrective; according to others, the offended party is entitled to respond to the offender in similar terms. However, they all agree that someone who complains that someone else committed an act of *injustice*¹⁷ against him or took some money from him without being entitled to do so, is exempt from liability and that he is not rude (*muṣī^{un}*). Therefore, it is correct to draw a distinction between the complaint (*al-shakwā*) and acts of aggression such as verbal abuse (*al-i'tidā' bi-l-sabb*) and calumny.

Ibn Ḥazm's attitude towards denouncing rape would thus add to the examples pointed out by Roger Arnaldez and by Camilla Adang in which Ibn Ḥazm's simplifications of Islamic legal doctrine through returning to the situation of the past becomes advantageous, at least from the point of view of contemporary conceptions of human rights.¹⁸

¹⁵ Emphasis mine.

¹⁶ Emphasis mine.

¹⁷ Emphasis mine.

¹⁸ See *The Encyclopaedia of Islam*. New Edition, s.v. “Ibn Ḥazm,” section on “Ibn Ḥazm as a jurist” [Roger Arnaldez], and Camilla Adang, “Ibn Ḥazm on Homosexuality. A case-study of Zāhiri legal methodology,” *Al-Qanṭara* 24 (2003), pp. 5–31, esp. 13–23. In the latter

QĀDĪ 'IYĀD'S DOCTRINE ON RAPE

What we present here as 'Iyād's doctrine on rape draws on a short but substantive *fatwā* he issued at the request of a petitioner who consulted him about the following case:¹⁹

A woman disappeared from her family and was absent for several days. When she came back she claimed that she had been in the mountains. She was then submitted to questioning and at that stage—according to the petitioner—she declared that a certain man had abducted her. She was subsequently brought before the *qādī* who questioned her again in the presence of the *fuqahā'* and at that point she accused one of the masters (*min arbāb*) of her village, whom allegedly she had not mentioned before, of rape. Moreover, the petitioner stresses, “when she appeared she was not bleeding.” The accused denied the claim and produced witnesses [who testified] that he had remained in the village during the time she had been absent and that there was certainty (*tayaqq^{un}*) that she had been incited against him and that she had denounced him in bad faith. However, the accused was sent to prison and sentenced to a beating which he averted by paying the claimant a certain amount of money on the condition that she waive her claim. Then he was released.

Presumably the man approached 'Iyād with the intention of appealing the *qādī*'s course of action—which is in line with the aforementioned

paper, the author shows that Ibn Ḥazm denied that homosexuals should be punished with *ḥadd* on grounds similar to those that led him to reject the *ḥadd* punishment for unsubstantiated accusations of rape, namely that “God did not make this an obligation, nor did His Messenger” (ibid., p. 21). Rather, he opted for a much milder discretionary penalty (*ta'zīr*) of ten lashes.

¹⁹ See Muḥammad b. 'Iyād, *Madhāhib al-ḥukkām fī nawāzil al-aḥkām*, ed. Muḥammad Ibn Sharīfa, Beirut 1990, p. 81f.; Spanish trans. and study by Delfina Serrano Ruano, *La actuación de los jueces en los procesos judiciales*, Madrid 1998, pp. 213–216; Aḥmad b. Yaḥyā al-Wansharīsī, *al-Mi'yār al-mu'rib wa-l-jāmi' al-mughrib: 'an fatāwā ahl Ifrīqiyya wa-l-Andalus wa-l-Maghrib*, ed. Muḥammad Ḥajjī, Rabat 1981, vol. 10, p. 235f. For earlier treatments of this text on my part see n. 1. 'Iyād wrote a commentary to Saḥnūn's *Mudawwana* entitled *al-Tanbihāt al-mustanbaṭa 'alā l-kutub of mudawwana wa-l-mukhtalaṭa*, ed. Muḥammad al-Wathīq 'Abd al-Na'im Ḥumaytī, Beirut: Dār Ibn Ḥazm, 2011 (see Delfina Serrano Ruano, “'Iyād b. Mūsā,” *Biblioteca de al-Andalus*, ed. J. Lirola Delgado, Almería 2009, vol. 6, pp. 404–434 # 1479, at p. 430). Be that as it may, 'Iyād's opinions on rape quoted by the sources consulted for this essay draw from *Madhāhib al-ḥukkām*, not from 'Iyād's commentary to the *Mudawwana*. Nothing of the sort, i.e., that 'Iyād issued opinions concerning to rape in his *Tanbihāt*, is mentioned by Muḥammad b. 'Iyād in the long commentary he dedicates to his father's *fatwā* in *Madhāhib al-ḥukkām*, pp. 82–84.

judicial practice so vehemently disapproved of by Ibn Ḥazm²⁰—to get his money back, have his reputation cleared and the plaintiff punished for having falsely accused him.

In his answer, ‘Iyāḍ minimized the relevance of bleeding as circumstantial evidence of rape and removed the requisite of physically holding on to the accused at the moment of formulating the claim of rape in public. Moreover, he identified time as the decisive factor for accepting an accusation of rape that cannot be substantiated by the testimony of witnesses, rather than traditionally admitted signs of rape: “If she appeared crying and asking for help and if [at that moment] she mentioned the name [of the same] man she formally accused afterwards (*idhā jā’at ṣārikha mustaghītha wa-‘ayyanat al-madhkūr qabla qawlihā*)”—this is what they, i.e. the jurists, mean when they say “holding on to him and bleeding (*muta‘alliqa tadmā*),” since not all raped women are able to hold on to the man who raped them and [the plaintiff here] is a non-virgin; therefore, she does not bleed. This expression, i.e. “bleeding,” [must not be taken in its literal meaning] but as a reference to the urgency of the attack and as an expression of grief that indicates the lack of consent [on the part of the plaintiff] (*wa-innamā hādhā l-lafẓ ‘ibārat ‘an sur‘at al-qiyām wa-l-tashakkī*²¹ *al-dāll ‘alā ‘adam al-ṭaw’*). The bleeding is taken into consideration when [the plaintiff] is a virgin and only in that case may its absence be used as a legal argument (*hujja*) to thwart her claim.²²

Subsequently, ‘Iyāḍ stands by his former use of the verb *tashakkā* (to complain, to express lamentation, grief or pain) instead of *idda‘ā* (to claim, to denounce) to refer to the unsubstantiated accusation of rape: “but if she complained only after she arrived [in the village] having kept silent [at the very moment she arrived], her claim will not be accepted (*fa-in kānat innamā tashakkat ba‘da an jā’at wa-sakatat lam yuqbal qawluhā*).” The *fatwā* ends with the formula “The right course is in God (*wa-bi-Llāh al-tawfiq*).” The question whether she should be punished for calumny is not addressed by the mufti, strengthening the impression that *tashakkā* and *idda‘ā* are not considered interchangeable.

²⁰ See above, section 1: *wa hāhunā yarūn al-sijn*...

²¹ Emphasis mine.

²² Al-Wansharīsī provides a slightly different version of this sentence: “bleeding is taken into consideration when the victim is a virgin since in that case, the bleeding gives strength to the veracity of her claim (*wa-yunẓar al-dam fi l-bikr idh huwa quwwa ‘alā ṣiḥḥat da‘wāhā*).”

To the best of my knowledge, no other Mālikī scholar whose doctrine on rape I have examined uses the radical *sh-k-y* to refer to a woman's claiming the crime was committed. Therefore, and in view of Ibn Ḥazm's aforementioned opinion on unsubstantiated claims of rape, one is led to suspect that Qādī 'Iyād was in favour of circumventing the legal consequences of calumny, resorting to a terminological subtlety, which is a very common device jurists use when they want to introduce a change in legal doctrine without explicitly declaring that they are doing so.²³ On the other hand, the fact that change in Islamic legal doctrine operated through casuistry and legal responsa is sufficiently known by now and does not need to be further argued.²⁴

POST-CLASSICAL MĀLIKĪ DOCTRINE ON RAPE: *TUḤFAT AL-ḤUKKĀM*
BY IBN 'ĀṢIM AND ITS COMMENTATORS

If 'Iyād's aim was to suggest that he was in favour of modifying Mālikī doctrine on rape in the sense proposed by Ibn Ḥazm, i.e., considering unsubstantiated accusations of rape as complaints and therefore not subject to the statutory sanction for calumny, he did not find much following among subsequent generations of Mālikī jurists. This remark, however, cannot be applied to the rest of the innovations put forward in his *fatwā*. Certainly, what came to be crystallized as mainstream Mālikī doctrine on rape were the opinions of Ibn Rushd al-Jadd, which were subsequently adopted by Khalīl b. Ishāq in his authoritative *Mukhtaṣar*. They both continued to adhere to the traditional conception of circumstantial evidence of rape, focused on the requirements of holding on to the accused and bleeding understood in their literal meaning, and on reputation.²⁵

Yet, it must not be taken for granted that the majority opinion within a given school is that actually favoured by the courts applying this school's doctrine. In fact, this was the case in 14th and 15th century al-Andalus, where, although Khalīl's *Mukhtaṣar* came to be seen as the embodiment

²³ As was illustrated by K. Abou El Fadl, for example, in his *Rebellion and Violence*, pp. 321–333.

²⁴ See Serrano, "La violación en derecho malikí: doctrina y práctica a partir de tres fetuas de los siglos X a XII d. C."; eadem, "Rape," pp. 192–194, 201 and the bibliographical references provided there.

²⁵ In the above-mentioned commentary by Muḥammad b. 'Iyād it is not mentioned that his father's understanding of the requisites of bleeding and holding on to the accused drew on earlier interpretations by Ibn Rushd al-Jadd, notwithstanding the relevance of this scholar in 'Iyād's training as a jurist.

of the majority opinion within the school, it was a book written in rhymed prose by the Granadan jurist Ibn 'Āṣim that was taken to reflect actual judicial practice. A trait that distinguishes Ibn 'Āṣim's *Tuḥfat al-ḥukkām* from *Mukhtaṣar Khalīl* is the fact that it dedicates a single and separate chapter to rape (*kitāb al-ighṭiṣāb*), which is unknown in previous Mālikī literature on the subject, and more importantly, the adoption of the distinction between immediate and delayed accusation as the central requisite for accepting a claim of rape in the absence of testimony by witnesses,²⁶ a circumstance to which late classical Mālikī jurists refer as “the mere claim (*mujarrad al-da'wā*).” I attribute the credit for the distinction between immediate and delayed claim to 'Iyāḍ for two reasons: First, because notwithstanding the fact that Ibn 'Āṣim does not mention him in his *Tuḥfa*—he mentions no legal authorities at all—²⁷ I could identify no alternative Mālikī source he might have drawn from in this respect but *Madhāhib al-ḥukkām*,²⁸ and second, because the legal practice regarding rape promoted in the *Tuḥfa* matches quite closely the practice described in the case submitted to 'Iyāḍ, which in its turn was so sharply criticized by Ibn Ḥazm in his *Muḥallā*. According to this practice, even a woman who made her accusation of rape with some delay might be awarded the right to receive her bride-price and might be exempted from the punishment for calumny and for implicit admission of *zinā* if the accused was a man of bad reputation and she did not become pregnant. On the other hand, a man of bad reputation accused of rape in these circumstances might be imprisoned and sentenced to a corrective punishment if the *qāḍī* saw fit.

However, neither the commentators on Ibn 'Āṣim's *Tuḥfa*, nor the commentators on these commentators, acknowledge the connection, which for me is rather evident, between 'Iyāḍ's *fatwā* and Ibn 'Āṣim's stress on immediate and delayed claims.²⁹ Certainly, they attest to the existence of divergence of opinions between Ibn al-Qāsim and “other jurists” concerning different aspects of the crime, i.e., the conditions under which the punishment for calumny applies, the victim's right to receive either the bride-price or compensation, due treatment of the accused, and oaths. However, they all stress that the relevant legal practice is subject to Ibn Rushd al-Jadd's doctrine, a striking stance in view of the aforementioned

²⁶ See Serrano, “Rape,” pp. 199–201.

²⁷ This remark includes Ibn Rushd al-Jadd. See below.

²⁸ See above n. 19.

²⁹ With the exception of al-Tusūlī, as will be shown subsequently.

difference between that doctrine and Ibn ʿĀṣim's approach to the crime of rape.

Among those commentators, al-Tusūlī (d. 1257/1842)³⁰ is exceptional in pointing to the need to give a non-literal interpretation to the expression "holding on to him (*muta'alliqa bihi*)" in line with ʿIyāḍ, while Ibn ʿĀṣim had apparently conceived of it in its literal meaning and, as stated by the rest of his commentators, as a synonym of "*tashabbatha* (to hold, to grasp)." Al-Tusūlī understands both terms differently but departs from the solution put forward by ʿIyāḍ: "The meaning of *al-ta'alluq*," he observes "is that she mentions it -namely that she has been raped- immediately and that she *complains about it before her family*."³¹ It does not mean that she appears grabbing the accused by the hand or by his clothes, given that this is impossible for a plaintiff who is less strong than the accused." However, it is only when he addresses the proper way to understand the expression "bleeding" (*tadmā*) that the commentator discloses "the beginning of the chapter on claims of the *Mi'yār*" as his source: there "it is stated that what they—i.e. the jurists—mean when they say 'bleeding' is that she appears crying and asking for help, even if she is not a virgin, since not all raped women can grab [the accused]."³²

Clearly, the text in the *Mi'yār* referred to by al-Tusūlī is a full version of Qāḍī ʿIyāḍ's *fatwā* transmitted in *Madhāhib al-ḥukkām*.³³ However, the commentator does not mention this jurist as the author of the quotation, notwithstanding the fact that al-Wansharīsī explicitly attributes it to ʿIyāḍ. Further on,³⁴ al-Tusūlī reiterates that both *ta'alluq* and *tashabbuth* mean denouncing the facts immediately (*tashabbuth ay ta'alluq bihi ay tadhkur dhālika fī l-ḥin*). With respect to the claimant's right to receive the bride-price, al-Tusūlī reports the existence of a divergence of opinions:

³⁰ See ʿAlī b. ʿAbd al-Salām al-Tusūlī, *al-Bahja fī sharḥ al-Tuḥfa*, eds. M. al-Mahdī, M. b. ʿA.R. al-Ḥabābī and ʿA.S. b. al-H.M b. al-ʿA. Ibn Shaqrūn, Cairo n.d., vol. 2, pp. 334–337.

³¹ Emphasis mine.

³² *Wa-ma'nā l-ta'alluq an tadhkur dhālika fī l-ḥin wa-tashtakī bidhālika li-ahlihā wa-laysa l-murād an ta'tiya māsika bi-yadihi aw bi-thawbihi fa-hādhā lā yata'attā lahā fīman lā qudra la-hā ʿalayhi. Qāla fī awā'il nawāzil al-da'awī min al-Mi'yār: ma'nā qawlihim tadmā an ta'tiya šarikha mustaghūtha wa-law kānat thayyib^{am} wa-laysat kull maghšūba taqdur ʿalā l-ta'alluq.*

³³ In fact, it is thanks to the precise indications of al-Tusūlī that I have managed to locate a version of ʿIyāḍ's *fatwā* in the *Mi'yār*.

³⁴ *Bahja*, vol. 2, p. 337.

‘Īsā [b. Dīnār] transmitted from Ibn al-Qāsim that the accused owed nothing [to the claimant], even if he were more perfidious (*asharr*) than ‘Abd Allāh b. al-Azraq. However, he was obliged to swear an oath, since if it is compulsory to have he who has a neutral reputation (*majhūl al-hāl*) swear an oath to reject her claim, all the more so in the case [of someone with a bad reputation]. Ashhab, for his part, transmitted from Mālik that she was entitled to the bride-price if she was free and to compensation if she was a slave. This [latter opinion] is in accordance with the contents of [Ibn Rushd al-Jadd’s] *Muqaddamāt* and with what is transmitted in *al-Wādiḥa* from Muṭarrif and others.³⁵

Subsequently, al-Tusūlī states that

this is the opinion that must be put into practice because it matches Ibn ‘Aṣim’s position in favor of accepting the declaration of the misappropriator when loss [of the misappropriated object] is claimed, etc... given that if in patrimonial affairs the practice is to give credit to the plaintiff, all the more so in questions related to the *pudenda*, and because they also involve matrimony. And those who lead people to disregard the aforementioned practice only do it with the intention of increasing corruption and squandering the rights of the believers.³⁶ There is a third opinion by Ibn al-Mājishūn, according to which she is entitled to the bride-price if she is free and to nothing if she is a slave.³⁷

³⁵ Ibn Ḥabīb’s *Wādiḥa* has been preserved only partially, mainly through quotations by later authors. Marita Arcas Campoy has published fragments of the *Wādiḥa* quoted by the Cordoban jurist Ibn Abī Zamanīn in his *Muntakhab al-aḥkām*; see ‘Abd al-Malik b. Ḥabīb (d. 238/852), *Kitāb al-Wādiḥa (Tratado jurídico)*, *Fragmentos extraídos del Muntajab al-aḥkām de Ibn Abī Zamanīn* (m. 399/1008), ed. and trans. Marita Arcas Campoy, Madrid 2002. The text pointed out by al-Tusūlī appears to match with question number 122 in Arcas Campoy’s edition: *bāb min al-ḥudūd fī l-khamr wa-tankīl ahl al-rib wa-l-tuham* (Ar. pp. 117–118/Spanish pp. 119–120). This question deals with three subjects, of which only the last one concerns rape. The first two subjects were the object of queries addressed to Muṭarrif by Ibn Ḥabīb while the third one was addressed to Aṣbagh, not to Muṭarrif. The condition of presenting the claim immediately after the commission of the crime is missing from there, as it is from the *Muqaddamāt*.

³⁶ Cf. above, section 2: “otherwise he contradicts himself and squanders a right of God (*tanāqada wa-ḍayya’a ḥaqqan li-llāh*).” Is al-Tusūlī targeting Ibn Ḥazm’s statement concerning what he thought to be a contradiction in Mālik’s doctrine on rape?

³⁷ *Wa-rawā Ashhab ‘an Mālik laḥā mahr mithlihā in kānat ḥurra aw mā naqasahā in kānat ama wa-biḥi ṣadara fī l-Muqaddamāt wa-naḥwihi fī l-Wādiḥa ‘an Muṭarrif wa-ghayrihi wa-huwa allādhī yajib al-‘amal biḥi li-muwāfaqa limā marra fī l-ghaṣb ‘inda qawl al-nāzim (i.e. Ibn ‘Aṣim): “wa-l-qawl li-l-ghāṣib fī da’wat al-talaq”, ilā akhīri-hi li-anna-hu idhā kāna al-ma’mūl bi-hi fī l-amwāl anna l-maghṣūb min-hu muṣaddaq fa-aḥrā fī l-furūj wa-li-anna-hu rāji’ li-l-māl wa man ḥamala l-nās ‘alā khilāf al-ma’mūl biḥi allādhī qaddamnāhu fa-innahu yurīd ziyādat al-fasād wa-taḍyī’ ḥuquq al-‘ubbād wa-thālithuhā li-Ibn al-Mājishūn laḥā l-ṣadāq in kānat ḥurra wa-lā shay’ laḥā in kānat ama.”*

After establishing the relevance of Ibn Rushd's authority to legal practice on rape, al-Tusūlī summarizes his doctrine as follows:

This is the opinion of Ibn Rushd concerning the obligation to pay the bride-price. This doctrine may be summarized as follows: she is not entitled to the bride-price by merely presenting a claim against a man of good reputation or of neutral reputation. The same applies to the accused with bad reputation in the absence of "*ta'alluq bihi*," if he swears an oath. Otherwise (*fa-in ta'allaqat*) she is awarded the bride-price, according to established practice. As to the punishment [for *zinā*], it must be averted from the accused in all cases while, in the absence of "*ta'alluq*," she must be punished for calumny if she accuses a man of good or neutral reputation, and for *zinā* if she becomes pregnant, although according to the most evident opinion (*al-aẓhar*) she incurs the *ḥadd* for *zinā* even if she does not become pregnant. However, if she "*ta'allaqat*," she avoids the punishment for *zinā* but still incurs the punishment for calumny if she accuses a man of good reputation, according to the opinion of Ibn al-Qāsim, but according to other jurists, she does not. This divergence of opinions only applies to the chaste woman (*in kānat ṣayyina*). Otherwise, there is unanimity in that she must be punished. Also, there is unanimity on not punishing her for calumny if she is chaste and the accused has a neutral reputation even in the absence of [*ta'alluq*]. Concerning this latter case, two opinions are in force: 1) she must not be punished in any case when the accused is immoral and she "*ta'alluqs*" him (*ma'a l-ta'alluq*), 2) the same applies in the absence of *ta'alluq* if she does not become pregnant, but God knows best.

The chapter ends with a recommendation to "look at the final parts of the chapter on bride-price by Ibn 'Arafa, since he dealt with the issue quite extensively and provided opinions additional to those comprised by the *Tuḥfa* (*al-naẓm*)."³⁸

In my view, al-Tusūlī's omission of 'Iyād's name was not irrelevant or the product of a cursory reading of his sources. Rather, I think he was trying to argue against unsubstantiated accusations of rape being dealt with by Mālikī *qāḍīs* as complaints, for being deviant with respect to mainstream Mālikī doctrine and dangerously close to Ibn Ḥazm's position. Yet, proceeding more explicitly in that regard would have required giving up the rest of 'Iyād's contributions as well, i.e. the non-literal interpretation of expressions like *ta'allaqat* and *tadmā*, and the differentiation between immediate and delayed claims, something the jurist did not see fit to do because it would have jeopardized the value of his own contribution

³⁸ Likely, the source referred to here is Muḥammad b. Muḥammad Ibn 'Arafa al-Warḡamī's *al-Mukhtaṣar al-fiqhī*. This text, which I have not managed to consult, has been edited by Sa'īd Sālim Fāndī and Ḥasan Mas'ūd al-Ṭuwayr, Beirut 2003.

to the explanation of the *Tuhfa*. Directing Mālikī legal practice on rape towards the majority opinion as represented by Ibn Rushd al-Jadd thus entailed a subtle operation of concealment. The first step aimed at avoiding the risk that a reader might draw undesirable conclusions from the *Mi‘yār*. Therefore al-Tusūlī deflects attention from the difference between complaint and claim of rape by restricting the scope of “complaining” to the victim’s family and the private realm, while ‘Iyāḍ had used the verb in the sense of making the crime public and reporting it to the authorities. Subsequently, he creates the impression that only the explanation of the proper understanding of *ta‘alluq* and *tadmā* comes from the *Mi‘yār*, leaving out the distinction between immediate and delayed claims and the use of the verb *tashakkat*. Once he establishes that *ta‘alluq* must not be taken literally, the commentator draws a direct link between the correct legal practice and Ibn Rushd’s doctrine, warning against disregarding that correlation. Al-Tusūlī then closes the circle of his argument with a summary of Ibn Rushd’s doctrine on rape in which the idea is conveyed that *ta‘alluq* and *tadmā* have a non-literal meaning, an assumption that does not stand close examination.

QĀḌĪ ‘IYĀḌ AND ZĀHIRISM

To become influenced by something or by someone is only impossible when there is a total disconnection between a given source of influence and its alleged object. This is far from being the case of Ibn Ḥazm and Qāḍī ‘Iyāḍ. Even if, for reasons of chronology, we cannot speak of a direct transmission of the former’s opinions to the latter, ‘Iyāḍ knew very well who Ibn Ḥazm was, and the challenge he had posed to the Mālikī school in al-Andalus at the end of the 11th century CE. What is most important, he had read some of his books.

There are references to literalism, to Zāhirism, to Zāhirī scholars and to Ibn Ḥazm in particular in some of Qāḍī ‘Iyāḍ’s works. These references show that he held a rather unprejudiced attitude towards the school.³⁹ As far as Ibn Ḥazm is concerned, this attitude cannot be qualified as positive, but is free from the apprehensions regarding the Zāhirīs that can be

³⁹ By this, I mean that his disagreement with the doctrines held by Zāhirī jurists or his occasional disapproval of their behaviour did not lead ‘Iyāḍ to ostracize them all together, removing their names from his sources.

found in other contemporaries of 'Iyāḍ.⁴⁰ Certainly, the fact that either the titles or the contents of many tracts against Ibn Ḥazm and his *madhhab* dating from the Almoravid period have been preserved indicates that, in this period, Zāhirism was gaining ground and was perceived as a threat.⁴¹ As for the Almoravid rulers themselves, they seem to have been concerned primarily with Sufism rather than with Zāhirism⁴² as a potential threat to traditional political and religious authority, and so was 'Iyāḍ.⁴³

Indeed, in his "Catalogue of Masters" known under the title of *Ghunya*, 'Iyāḍ includes Aḥmad b. Ṭāhir b. 'Alī b. Shabrīn b. 'Alī b. 'Īsā al-Anṣārī,⁴⁴ from the people of Denia (d. 520/1126),⁴⁵ presenting him as one of his most important masters (*min kubarā' aṣḥābinā*) and praising him for his sound scholarship, his religiosity and his morality (*kāna fāḍil^{an} khayr^{an} ṣayyīn^{an}*). 'Iyāḍ states that he frequented this master in Ceuta and benefited considerably from his teachings (*laqaytuḥu bi-baladīnā wa-jalastuḥu kathīr^{an} wa-samī'tu minhu fawā'id*). He describes him as an expert in *ḥadīth* who mastered its methodology and wrote some works on the subject, among them an *Aṭraf al-Muwaṭṭa'* and *Rijāl Muslim*. The list of Aḥmad b. Ṭāhir's Andalusī masters includes al-Jayyānī, al-Ṣadaḡī, Ibn Bashīr, Abū Muḥammad Ibn al-'Assāl and Abū Dāwūd al-Muqri'. Among the non-Andalusis are the Ifriqiyyans al-Māzarī and Abū Marwān al-Hamdānī. 'Iyāḍ

⁴⁰ On the opposition of Andalusī 'ulamā' to the legal and theological implications of Ibn Ḥazm's literalism during the Almoravid period see Miguel Asín Palacios, *Abenḥázam de Córdoba y su historia crítica de las ideas religiosas*, Madrid 1927–32, vol. 1, pp. 136–139, pp. 303–305; Adang, "Homosexuality," p. 6, n. 6; eadem, "The spread of Zāhirism in post-caliphal al-Andalus: the Evidence from the Biographical Dictionaries," *Ideas, Images, and Methods of Portrayal. Insights into Classical Arabic Literature and Islam*, ed. Sebastian Günther, Leiden 2005, pp. 297–346, at 340–341; and Maribel Fierro, "Religious Dissension in al-Andalus: Ways of Exclusion and Inclusion," *Al-Qanṭara* 22 (2001), pp. 463–487, at 473. To the examples cited in these publications, the cases of the grammarian Ibn al-Sīd al-Baṭalyawṣī and Abū Bakr Ibn al-'Arabī must be added. Ibn al-Sīd refuted legal and theological literalism in his *Kitāb al-tanbīh 'alā l-asbāb allatī awjabat al-khilāf bayna l-muslimīn*. See Delfina Serrano, "Ibn al-Sīd al-Baṭalyawṣī y su obra sobre la discrepancia entre los musulmanes," *Literatura e cultura no Gharb Al-Andalus: Simpósio Internacional, Lisboa, Abril de 2000*, eds. Adel Sidarus and Bruna Soravia, Lisbon 2005, pp. 221–244. Abū Bakr Ibn al-'Arabī refuted Ibn Ḥazm's theological system in his *Kitāb al-'awāṣim min al-qawāṣim*. See also the contribution of Samir Kaddouri in the present volume.

⁴¹ See Adang, "Spread," p. 340f.

⁴² Ibid., pp. 337, 341.

⁴³ See my "'Iyāḍ b. Mūsā," pp. 413–416 and 425–430.

⁴⁴ See *Ghunya*, p. 118 # 43. Adang discusses this scholar in her "Spread," pp. 327–328 and 339. Adang declares that despite the lack of evidence of a direct link between this man and Ibn Ḥazm, the possibility that Ibn Ṭāhir encountered Ibn Ḥazm and studied with him "is not to be rejected out of hand."

⁴⁵ According to Ibn Farḥūn, this date should be replaced with 532/1137. See below.

reports also that this master was a member of the *shūrā* in Denia and that he was offered the post of *qāḍī* of the city, but refused (*wa-tuliba li-qāḍā'ihī fa-mtana'a*).⁴⁶ In questions of jurisprudence, 'Iyāḍ states, "he tended to literalism, although he was mainly an expert in *ḥadīth* (*yamīl fī fiqhīhī ilā l-ẓāhir wa-kāna 'ilm al-ḥadīth aghlab 'alayhī*)." This preponderance of Prophetic tradition in Ibn Ṭāhir's scholarly profile might also explain why his Ẓāhirism was not perceived as an obstacle for the performance of the *shūrā* or of qadiship and for a resolute Mālikī-to-be to study with him.

Further, 'Iyāḍ's most important master in *ḥadīth*, Abū 'Alī al-Ṣadafī, had studied in Baghdad with al-Ḥumaydī, one of the most important direct disciples of Ibn Ḥazm and a follower of his doctrine.⁴⁷ A very high percentage of the traditions transmitted by Abū 'Alī al-Ṣadafī came from al-Ḥumaydī.⁴⁸ However, it seems that relationships between the two deteriorated for reasons that remain unclear.⁴⁹ This might explain why al-Ḥumaydī, despite his importance, is passed over in silence in the entry dedicated to al-Ṣadafī in 'Iyāḍ's *Ghunya*.⁵⁰

As for 'Iyāḍ's history of the Mālikī school known as *Tartīb al-madārik*, Ibn Ḥazm is mentioned on several occasions,⁵¹ not only as the main proponent of his school's doctrine but also as a source for the biographies of

⁴⁶ A refusal that denotes a certain asceticism, if not mysticism, common to other Ẓāhiris of al-Andalus, excluding Ibn Ḥazm. On the connection between Ẓāhirism and mysticism see Adang, "Spread," esp. pp. 336–337. Both Ibn Ṭāhir's performance of the *shūrā* in Denia and his having been offered the post of *qāḍī* seem to go against Almoravids' exclusive reliance on the jurists of the Mālikī school to execute the judicial and religio-legal functions in their empire. In this connection, Adang (ibid., p. 327) comments that either the Almoravids were "less obscurantist and intransigent than is often assumed, or that Ibn Ṭāhir put aside his Ẓāhirī views when issuing legal opinions and ruled according to Mālikī law." Indeed, this scholar, who is not considered a Mālikī by 'Iyāḍ given that he does not include him in his *Tartīb al-madārik*, is nevertheless mentioned as such by Ibrāhīm b. 'Alī Ibn Farḥūn in his *al-Dibāj al-mudhahhab fī ma'rīfat a'yān 'ulamā' al-madhhab*, ed. Muḥammad al-Aḥmadī Abū l-Nūr, Cairo 1972, vol. 1, p. 201f. # 84, probably because of his having written a book on the *Muwaṭṭa'* with the title of *al-Imā'*, similar to the *Aṭraf al-Ṣaḥīḥayn* of Abū Mas'ūd Ibrāhīm b. Muḥammad b. 'Ubayd al-Dimashqī.

⁴⁷ See Adang, "Spread," pp. 313–317. See also Cristina de la Puente, "Vivre et mourir pour Dieu, oeuvre et héritage d'Abū 'Alī al-Ṣadafī (m. 514/1120)," *Studia Islamica* 88 (1998), pp. 77–102, at 83–84.

⁴⁸ See de la Puente, "Vivre et mourir pour Dieu," p. 83f., drawing on an analysis of the *ḥadīth* transmission chains mentioned in both *Kitāb al-Qurba* and *Kitāb al-Fawā'id* by Ibn Bashkuwāl.

⁴⁹ See Adang, "Spread," p. 315, n. 85.

⁵⁰ See 'Iyāḍ, *Ghunya*, pp. 129–138 # 47.

⁵¹ To locate these references I have resorted to Juan Castilla Brazales, *Índices del Tartīb al-madārik (Biografías de andalusíes)*, Granada 1990. I selected only references to our Ibn Ḥazm and not to Aḥmad b. Sa'd/Sa'id b. Ḥazm al-Muntijilī, who lived in the 10th century and wrote a biographical work also frequently cited by 'Iyāḍ.

some Andalusī jurists included in his book, which means that for ‘Iyāḍ, Ibn Ḥazm’s legal opinions and diametric opposition to Mālikism did not affect his credibility as a historian.⁵²

And so, in the biography of Mālik b. Anas, the eponymous founder of the Mālikī school, ‘Iyāḍ refers to Zāhirism as part of the *sunna*, observing that in his time both the Ḥanbalī and the Zāhirī schools were very much weakened. Further on, he includes Ibn Ḥazm among those who wrote commentaries on Mālik’s *Muwaṭṭa’* (*wa-li-Abī Muḥammad b. Ḥazm al-Zāhirī kitāb fī sharḥihi ayḍ^{an}*)⁵³ which suggests that ‘Iyāḍ had read this commentary and that he judged it sound enough to deserve mention in his list of commentators to the *Muwaṭṭa’*.

The relationship between Ibn Ḥazm and the Mālikīs of his time is briefly analyzed in the biography of Abū l-Walīd al-Bājī. ‘Iyāḍ’s treatment of the facts reveals his awareness that emotional factors and communicative skills may be crucial for a scholar’s gaining an audience. ‘Iyāḍ recounts that when al-Bājī arrived in al-Andalus,

Ibn Ḥazm had a very good reputation but also a series of disapproved statements (*lahu šīṭ^{an} ‘āli^{an} wa-zāhirāt munkira*). He spoke elegantly (*li-kalāmihi ṭalāwa*) and had won people’s hearts (*wa-qad akhadhat qulūb al-nās*); he mastered [rhetorical] arts which Andalusī *fuqahā’* of that time were lacking, given that they made little use of reflection and [given] their reluctance to admit its soundness. And no one sufficiently qualified stood up to debate with him, by which they contributed to the reinforcement of his cause, surrendering religious discourse to him notwithstanding their knowing that he was confused (*wa-sallamū l-kalām lahu ‘alā ‘tirāfihim bi-takhlīṭihi*), and refusing to talk with him (*mukālamatahu*). Therefore, when Abū l-Walīd arrived in al-Andalus with such a capacity of discernment, such a mastery and knowledge of the different methods of the art of polemicizing and debating that he acquired during his *riḥla*, people addressed him so that he engaged in a series of sessions (*majālis*) with him, i.e. Ibn Ḥazm. And this resulted in the latter’s disgrace (*faḍiḥa*) and in his having to abandon Majorca, of whose people he had been the leader so far. After that, his influence remained [only] among vile people (*fī suffāl*).⁵⁴

⁵² In fact, their allegiance to Mālikism did not prevent other Andalusī scholars from transmitting works by Zāhirī authors. See Adang, “Spread,” p. 329f.

⁵³ *Tartīb*, vol. 2, p. 84. This commentary is mentioned by M. Asín Palacios who believes it to have been written before Ibn Ḥazm abandoned the Mālikī school (*Abenḥázam*, p. 256). For my part, I see no contradiction between Ibn Ḥazm’s adoption of Zāhirism and the composition of a commentary to the *Muwaṭṭa’*, given that this is a most reputed *ḥadīth* collection both for Mālikīs and non-Mālikīs.

⁵⁴ *Tartīb*, vol. 8, p. 122.

‘Iyād’s characterization of Ibn Ḥazm becomes openly adverse in the entry dedicated to the Majorcan jurist Abū l-Walīd b. al-Māriya. There, Ibn Ḥazm is described as a fanatical and cruel man. Drawing on al-Bājī’s *Kitāb al-fīraq*, it is mentioned that on one occasion in which Ibn al-Māriya and “Abū Muḥammad b. Ḥazm al-Zāhiri” held a debate on following the doctrines of Mālik, Ibn Ḥazm adopted such an extremist position that he induced the governor of the city to imprison him and to refuse him water (*istihāfatihī*).⁵⁵ On the other hand, Ibn Ḥazm is quoted as a source in a number of biographies in the *Tartīb*, e.g. that of Muḥammad b. Yaḥyā b. ‘Umar b. Lubāba, whose *Kitāb al-Muntakhiba* Ibn Ḥazm al-Fārisī is reported to have praised.⁵⁶ Ibn Ḥazm’s sympathy for this scholar is no surprise given that, as Qāḍī ‘Iyād remarks, he had “options in *fatwās* and in *fiqh* that were divergent from the [Mālikī] school doctrine (*lahu ikhtiyārāt fī l-fatwā wa-l-fiqh khārija ‘an al-madhhab*).” In the biography of ‘Īsā b. Dīnār, the dates of his *riḥla* are fixed “according to Abū Muḥammad Ibn Ḥazm.”⁵⁷ In the biography of al-‘Utbī, ‘Iyād quotes “Abū Muḥammad Ibn Ḥazm al-Zāhiri’s” statement that the *Mustakhraja* was held in very high esteem in Ifrīqiyya having spread rapidly.⁵⁸ Further on, now referred to as Abū Muḥammad Ibn Ḥazm al-Dāwūdī, he is reported to have said that al-Faḍl b. Salama b. Ḥurayz was one of the most learned scholars in Mālik’s doctrine.⁵⁹ He is quoted again as a source for the biography of Abū l-Muṭarrif ‘Abd al-Raḥmān b. Muḥammad b. ‘Īsā b. Fuṭays, whose qualities as a *ḥadīth* scholar according to the method of the Eastern traditionists (*‘alā rasm ahl al-mashriq*) are said to have been esteemed by Ibn Ḥazm.⁶⁰ And finally, concerning the biography of Abū l-Muṭarrif b. Bishr, ‘Iyād quotes a text from Ibn Ḥayyān transmitted by Ibn Ḥazm “in his book (*wa-dhakarahū fī kitābihī*).”⁶¹

⁵⁵ *Tartīb*, vol. 8, p. 158.

⁵⁶ *Tartīb*, vol. 6, p. 86. In n. 51, the editor of this volume of *Tartīb al-madārik*, Sa‘īd Aḥmad A’rāb, identifies Ibn Ḥazm’s *Risāla fī faḍā’il al-Andalus* as ‘Iyād’s source. See *Rasā’il Ibn Ḥazm al-Andalusī*, ed. Iḥsān ‘Abbās, Beirut 1980–87, vol. 3, pp. 171–188, esp. 178–179.

⁵⁷ *Tartīb*, vol. 4, p. 108. On this occasion, ‘Iyād’s source is seemingly not the *Risāla fī faḍā’il al-Andalus*, nor any of the twenty-one epistles edited by Iḥsān ‘Abbās. ‘Īsā b. Dīnār is mentioned in p. 178 of the aforementioned *Risāla* as the author of the *Kitāb al-Hidāya*, which Ibn Ḥazm praises as the summit of books dealing with the doctrine of Mālik and Ibn al-Qāsim, but makes no reference to his *riḥla*.

⁵⁸ Lit. “had a swift flight” (*lahā bi-lfrīqiyyā... al-ṭayarān al-ḥathīth*). See *Tartīb*, vol. 4, p. 254.

⁵⁹ *Tartīb*, vol. 5, p. 222.

⁶⁰ *Tartīb*, vol. 7, p. 182.

⁶¹ *Tartīb*, vol. 8, p. 10.

Ibn Ḥazm is not the only Zāhirī scholar quoted throughout the *Tartīb al-madārik*. Part of the story of Yaḥyā b. ‘Abd al-Raḥmān Ibn Wāfid’s (d. 440/1049) detention and imprisonment, and especially the circumstances of his death and burial, are transmitted by ‘Iyāḍ according to Abū l-Khiyār al-Zāhirī, who seems to have witnessed the events.⁶² This scholar, whose complete name is Abū l-Khiyār Mas‘ūd b. Sulaymān b. Muflit al-Dāwūdī al-Zāhirī of Santarem (d. 426/1035), was a master of Ibn Ḥazm and during a certain period of time (between 418–420/1027–1029) they both taught Zāhirī doctrine in Cordoba’s main mosque, from which they were eventually expelled.⁶³

The way Qāḍī ‘Iyāḍ resorts to this scholar and his commentaries concerning Zāhirism in the introduction to his *Tartīb al-madārik* seem to indicate that he had nothing against Zāhirism that was different from what he might have had against the other Sunni schools of law, but rather that he was against some of Ibn Ḥazm’s opinions and attitudes. This adds credit to Muḥammad b. ‘Iyāḍ’s portrayal of his father as a scholar who did not criticize indiscriminately.⁶⁴

CONCLUSION

The possibility that ‘Iyāḍ’s selection of the verb *tashakkā* to refer to accusations of rape is due to Ibn Hazm’s influence is less than remote, if only

⁶² *Tartīb*, vol. 7, pp. 176, 177. This scholar is also mentioned in *ibid.*, vol. 7, p. 168 as “Abū l-Khiyār al-Shantarīnī al-Dāwūdī.” In fact, a biography of this scholar has been preserved in a piece of manuscript of an unknown author kept in the Ibn Khaldūn Museum in Tunis. The text was edited by F. Codera who attributed it to Qāḍī ‘Iyāḍ. See F. Codera, “Un ms. Árabe-español en Túnez,” *Boletín de la Real Academia de la Historia* (April 1911), pp. 285–296. (See now on the loss of this manuscript Maribel Fierro, “Una fuente perdida sobre los ulemas de al-Andalus: el manuscrito del Museo Jalduní de Túnez,” *Al-Qanṭara* 12 (1991), pp. 273–276) The Arabic text is reproduced and translated into Spanish by Asín Palacios in *Abenházam*, pp. 136–39. Curiously, the circumstances of the death and burial of Abū l-Khiyār al-Zāhirī as they are described in this text present a striking resemblance with those concerning Ibn Wāfid, as they are reported by Qāḍī ‘Iyāḍ on the authority of Abū l-Khiyār.

⁶³ See Asín Palacios, *Abenházam*, vol. 1, pp. 136ff.; Adang, “Homosexuality,” p. 6, and eadem, “The Beginnings of the Zāhiri Madhhab in al-Andalus,” *The Islamic school of law: Evolution, devolution, and progress*, eds. Peri Bearman, Rudolph Peters, Frank E. Vogel, Cambridge, Mass. 2005, p. 124, in which the author points to al-Ḥumaydī, *Jadhwa*, # 814; al-Ḍabbī, *Bughya*, # 1365; Ibn Bashkuwāl, *Šila*, # 1363; Ibn Ḥazm, *Ṭawq*, p. 170 and Asín Palacios, *Abenházam de Córdoba*, pp. 136–139, as the main sources for this scholar’s biography.

⁶⁴ See Muḥammad b. ‘Iyāḍ, *al-Ta’rīf bi-l-Qāḍī ‘Iyāḍ*, ed. Muḥammad Ibn Sharīfa, Muḥammadiyya 1982, p. 106f.

for the chronological and geographical proximity between both scholars. Rather, and notwithstanding that an explicit or direct influence cannot be established with certainty, there are testimonies that ‘Iyāḍ was exposed to Ibn Ḥazm’s doctrine in quite specific occasions: he knew his story, had read some of his books and was well acquainted with his legal opinions, all of which makes plausible the adoption of some of these opinions, had he judged them sound. This might have happened unconsciously, or else might not have been explicitly acknowledged out of convenience or political correctness. At the end of the day, refusing to admit that someone is right despite knowing it in our heart of hearts, and even despite our acting according to this inner conviction, is something humans do every day with our adversaries but also with our colleagues, and even with our friends and loved ones, in order to keep the balance of powers we maintain in our professional and private lives.

Furthermore, ‘Iyāḍ might not be the only Mālikī to have given in to the pressure of the moral challenges raised by Ibn Ḥazm.⁶⁵ Ibn Rushd al-Jadd, the authority invoked to counterbalance the “deviation” of considering accusations of rape as complaints, might have been subject to Ibn Ḥazm’s influence as well. This time, the specific point of “contagion” would have affected Mālikī doctrine on rebellion. Namely, when the Cordoban jurist assessed the role taken by the different parties in the conflict that split the Muslim community in the first decades of its political history, he observed that although all parties acted in good faith, they must not be considered equally correct and hence, their demands must not be awarded the same religious and moral value. In fact, in Ibn Rushd’s opinion, it is not allowed for a Muslim to adopt a position of neutrality or of moral relativism.⁶⁶ This point of view is innovative with respect to earlier Andalusī legal doctrine on rebellion and might represent—at least in part— a reaction towards Ibn Ḥazm’s remarks against the attitude of the Sunni schools concerning rebellion, which he regarded as excessively legalist and devoid of concern about the justice of both rebels’ and rulers’ actions.⁶⁷

⁶⁵ See above, n. 2.

⁶⁶ See K. Abou El Fadl, *Rebellion and Violence in Islamic Law*, pp. 203ff., 210–217, 250–256.

⁶⁷ See D. Serrano Ruano, “Doctrina legal sobre la rebelión en juristas andalusíes,” *El cuerpo derrotado: cómo trataban musulmanes y cristianos a los enemigos vencidos (Península ibérica ss. VIII–XIII)*, eds. M. Fierro and F. García-Fitz, Madrid 2008, pp. 257–282, at 266.

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PART III

ZĀHIRĪ LINGUISTICS

IBN MAḌĀ' AS A ṢĀHIRĪ GRAMMARIAN

Kees Versteegh

In publications about the history of Arabic grammar, the Andalusī grammarian Ibn Maḍā' al-Qurṭubī is often referred to as a Ṣāhirī scholar, whose contribution to grammar and linguistics was affected by his adherence to the tenets of what is usually called the Ṣāhiriyya school,¹ i.e., a group of scholars who believed that the obvious (apparent, manifest) meaning (*ṣāhir*) of a text from the Qur'ān or the *ḥadīth* is the only valid basis for legal or theological judgments.² In some way, they were all intellectually connected to Ibn Ḥazm (d. 456/1064), who had set out the principles of this new approach to legal science, in which personal opinion (*ra'y*) and belief on the basis of authority (*taqlīd*) were banned, and in which the role of analogical reasoning was severely restricted.³ It appears, however, that in the biographical sources, Ibn Maḍā' is almost never explicitly called a Ṣāhirī.⁴ In this paper, I shall first look at the scholarly network in which Ibn Maḍā' operated in order to see whether he associated with scholars who were known as Ṣāhirīs. Then, I shall discuss what it actually means to call someone a Ṣāhirī. Finally, I shall analyze Ibn Maḍā's only preserved treatise, commonly called the *Kitāb al-Radd 'alā l-nuḥāt*, to see whether his theories on and approach to Arabic grammar bear any resemblance to what is known about Ibn Ḥazm's linguistic ideas.

¹ See, for instance, Kees Versteegh, *Landmarks in linguistic thought*. III. *The Arabic linguistic tradition*. London and New York 1997, pp. 141–152; Yasir Suleiman, *The Arabic grammatical tradition: A study in ta'līl*, Edinburgh 1999, pp. 145–177; Tawfiq al-Ghalbazūrī (*al-Madrasa al-ṣāhiriyya bi-l-Maghrib wa-l-Andalus: Nash'atuhā, a'lāmuhā wa-atharuhā*, PhD dissertation, Jāmi'at al-Qarawīyyīn, Tetouan, 2000 [publ. Riyad 2006], pp. 594–618.

² Ignaz Goldziher, *Die Ṣāhiriten, ihr Lehrsystem und ihre Geschichte: Ein Beitrag zur Geschichte der muhammedanischen Theologie*, Leipzig 1884.

³ Roger Arnaldez, *Grammaire et théologie chez Ibn Ḥazm de Cordoue: Essai sur la structure et les conditions de la pensée musulmane*, Paris 1956.

⁴ Al-Ghalbazūrī (*al-Madrasa al-ṣāhiriyya*, p. 595) quotes a late author, 'Abd al-Bāqī b. 'Abd al-Majīd al-Yamānī (d. 743/1343) (referring to his *Ishārat al-ta'yīn*, p. 33), who did call Ibn Maḍā' a Ṣāhirī in grammar; I have not been able to check this source.

1. IBN MAḌĀ'S NETWORK

Abū Ja'far (or Abū l-'Abbās) Aḥmad b. 'Abd al-Raḥmān Ibn Maḍā' was born in Cordoba in 513/1119 and died in Seville in 592/1196; he made a career, chiefly as a judge in the Almohad administration, in Bougie, Tunis, Fes, and Marrakesh. Ibn Maḍā' was generally regarded as an important scholar in the science of *ḥadīth*, and he also made a name for himself as a reciter of the Qur'ān. The only book by him that has been preserved is the one called the *Kitāb al-Radd 'alā l-nuḥāt* by its first editor, Shawqī Ḍayf. Wolfe is probably right in assuming that the unique manuscript edited by Ḍayf actually contained the text of another treatise, mentioned by the biographers, *Tanzīh al-Qur'ān 'an mā lā yalīqu bi-l-bayān*, with a few additional chapters taken from a second treatise attributed to him, *al-Mushriq fī l-naḥw*.⁵ In this paper I shall refer to it by the title that has become attached to it since its rediscovery.

Thanks to Adang we are fairly well informed about the prosopography of those scholars who called themselves, or were called by others, *Ẓāhirīs*.⁶ In the biographical sketches of Ibn Maḍā's life and teaching, no explicit mention is made of his adherence to *Ẓāhirī* principles,⁷ and this is why Adang chose not to include him in her list of *Ẓāhirī* scholars, although she does discuss his place in the network of *Ẓāhirī* teaching.⁸ A long list of Ibn Maḍā's teachers is mentioned by the biographers, among them Abū l-Ḥasan Shurayḥ b. Muḥammad al-Ru'aynī (d. 539/1144), who was a direct student of Ibn Ḥazm; although he is not called a *Ẓāhirī* in the sources, he may have played an important role in the transmission of Ibn Ḥazm's ideas

⁵ Ronald Wolfe, "Ibn Maḍā' al-Qurṭubī's *Kitāb al-radd 'alā n-nuḥāt*: An historical misnomer," *Studies in the history of Arabic grammar*, eds. Michael G. Carter and Kees Versteegh, Amsterdam and Philadelphia 1987, vol. 2, pp. 295–304. See also I. Ferrando, "Ibn Maḍā', Aḥmad," *Biblioteca de al-Andalus: De Ibn al-Labbāna a Ibn al-Ruyūlī*, ed. Jorge Lirola Delgado, Almería 2006, pp. 51–53; Beatriz Molina Rueda, "Ibn Maḍā' al-Qurṭubī: Su concepción de las 'causas' gramaticales ('ilal)," *Miscelánea de Estudios Árabes y Hebraicos* 36 (1987), pp. 226–235.

⁶ Camilla Adang, "Ẓāhirīs of Almohad times," *Biografías almohades*, II, eds. María Luisa Ávila and Maribel Fierro, Madrid and Granada 2000, pp. 413–479; eadem, "The beginnings of the *Zāhiri madhhab* in al-Andalus," *The Islamic school of law: Evolution, devolution, and progress*, eds. Peri Bearman, Rudolph Peters and Frank E. Vogel, Cambridge, 2005, pp. 117–125.

⁷ See, for instance, the biographical sketch by Ibn 'Abd al-Malik al-Marrākushī, *al-Dhayl wa-l-takmilā li-kitābayni l-Mawṣūl wa-l-Ṣila*, ed. Iḥsān 'Abbās, Beirut 1964, pp. 212–223, translated by Ronald Wolfe, *Ibn Maḍā' al-Qurṭubī and the Book in refutation of the grammarians*. Ph.D. diss., Indiana University 1984, pp. 270–282.

⁸ Adang, "Ẓāhirīs of Almohad times," pp. 429–432.

to his students.⁹ Another teacher was Ibn Bashkuwāl (d. 578/1182),¹⁰ who wrote many treatises on biography and *ḥadīth*. Perhaps even more significant is the fact that among Ibn Maḍā's students some are associated with Ṣāhirī principles by other biographers: the two brothers Abū Sulaymān b. Ḥawt Allāh and Abū Muḥammad b. Ḥawt Allāh (d. 612/1215),¹¹ who had also studied with Ibn Rushd (d. 595/1198), Ibn al-ʿArabī (d. 638/1240),¹² Abū l-Khaṭṭāb Muḥammad b. Aḥmad b. Khalīl,¹³ Ibn Ṣāhib al-Radd (d. 621/1224),¹⁴ Ibn Baqī (d. 625/1228),¹⁵ and Ibn Dihya (d. 633/1235).¹⁶

Ibn Maḍā's judgeship under the Almohads, in the centers of their power, must have brought him in touch with many of the important legal scholars of his time, and since the Almohad agenda in scholarship and legal science seems to have favoured a Ṣāhirī approach, we may be certain that he frequented the company of scholars who were well-known for their Ṣāhirī leanings. In this respect, his situation may have resembled that of Ibn Rushd, whose *Bidāya* was written to promote Almohad policies. Like Ibn Maḍā, Ibn Rushd knew most of the Ṣāhirī scholars of his time.¹⁷

Not much is known about Ibn Maḍā's education in Arabic grammar.¹⁸ In the biographies he is reported to have been "brilliant in Arabic declensions and conjugations",¹⁹ and among his teachers are indeed grammarians. The biographers mention Ibn Bashkuwāl, Ibn al-Rammāk (d. 541/1146),²⁰ and Ibn Samḥūn (d. 564/1168).²¹

⁹ Adang, "Zāhirīs of Almohad times," p. 420.

¹⁰ See Mohamed Meouak. "Un manuscrit inédit d'Ibn Baškuwāl: Le *Kitāb al-fawā'id al-muntaḥaba wa-l-ḥikāyāt al-mustaḡraba*". *Arabica* 35 (1988), pp. 388–395; Adang, "Zāhirīs of Almohad times," p. 427 n. 65, 463.

¹¹ Adang, "Zāhirīs of Almohad times," p. 433.

¹² Adang, "Zāhirīs of Almohad times," p. 463.

¹³ Adang, "Zāhirīs of Almohad times," p. 458, 442 n. 153.

¹⁴ Adang, "Zāhirīs of Almohad times," p. 443.

¹⁵ Adang, "Zāhirīs of Almohad times," p. 440.

¹⁶ Adang, "Zāhirīs of Almohad times," p. 452.

¹⁷ Yasin Dutton, "The introduction to Ibn Rushd's *Bidāyat al-mujtahid*," *Islamic Law and Society* 1 (1994), pp. 188–205; Maribel Fierro, "The legal policies of the Almohad caliphs and Ibn Rushd's *Bidāyat al-mujtahid*," *Journal of Islamic Studies* 10 (1999), pp. 226–248.

¹⁸ See Mu'adh al-Shartāwī, *Ibn Maḍā' al-Qurṭubī wa-juhūduhu l-naḥwīyya*. Amman 1988, which I have not been able to consult.

¹⁹ Al-Marrākushī, *al-Dhayl*; Wolfe, *Ibn Maḍā' al-Qurṭubī*, p. 276.

²⁰ Jalāl al-Dīn al-Suyūṭī, *Bughyat al-wu'āt fi ṭabaqāt al-lughawīyyina wa-l-nuḥāt* 1–2, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1964–65, vol. 2, p. 8.

²¹ Wolfe, *Ibn Maḍā' al-Qurṭubī*, p. 273; not Ibn Saḥnūn as stated in Ibn Maḍā' al-Qurṭubī, *Kitāb al-Radd 'alā l-nuḥāt*, ed. Shawqī Ḍayf, Cairo 1947, p. 18.

Ibn Maḍā' himself does not mention any of his teachers in grammar. Apart from early grammarians like Sibawayhi (d. 177/793), al-Akhfash (d. 215/830?), and al-Mubarrad (d. 185/898), he quotes²² Abū l-Ḥajjāj Yūsuf b. Sulaymān al-A'lam al-Shantamarī (d. 476/1083), with the added eulogy *raḥimahu llāh*, although this grammarian died long before Ibn Maḍā' was born. He also mentions²³ the grammarian Abū l-Qāsim 'Abd al-Raḥmān b. 'Abd Allāh al-Suhaylī (d. 581/1185)²⁴ as his colleague (*ṣāhibunā*), in spite of the fact that this grammarian was very fond of precisely the kind of reasoning that Ibn Maḍā' objected to.²⁵ Among al-Suhaylī's teachers are some of the scholars who also taught Ibn Maḍā', such as Abū Bakr Ibn al-'Arabī (d. 543/1148), and among his students are the two sons of Ḥawṭ Allāh, who also studied with Ibn Maḍā'.

It should be added here that the *Kitāb al-Radd* never enjoyed widespread popularity and it is hardly ever mentioned by later grammarians. The grammarian Ibn Kharūf (d. 609/1213)²⁶ is said to have composed a treatise against Ibn Maḍā's ideas,²⁷ entitled *Tanzīh a'immat al-naḥw 'an mā nusiba ilayhim min al-khaṭa' wa-l-sahw*, but even such negative judgments are remarkably sparse in the literature. According to al-Suyūṭī,²⁸ Ibn Maḍā' was an excellent scholar, but curiously enough, although he does mention the fact that Ibn Maḍā' wrote a book to refute grammatical theory, he treats him just like any other grammarian, and there is no mention at all of his attempt to destroy the structure of Arabic grammatical theory or of his using Zāhirī principles in his linguistic work.²⁹

One notable exception is the Andalusī grammarian Abū Ḥayyān al-Gharnāṭī (d. 745/1344). Abū Ḥayyān mentions Ibn Maḍā' several times in his commentary on Ibn Mālik's *'Alfiyya*. On several occasions, he quotes him as defending the views of the Kufan grammarians, for instance when, together with al-Suhaylī, he defends al-Kisā'ī's (d. 189/805) view on

²² Ibn Maḍā' al-Qurṭubī, *Kitāb al-Radd 'alā l-nuḥāt*, ed. Shawqī Ḍayf, Cairo 1947, p. 137:10.

²³ Ibn Maḍā', *Radd*, p. 137:12.

²⁴ Suyūṭī, *Bughya*, vol. 2, pp. 81–82.

²⁵ Ramzi Baalbaki, "Expanding the *ma'nawī 'awāmil*: Suhaylī's innovative approach to the theory of regimen," *al-Abḥāth* 47 (1999), pp. 23–58.

²⁶ Suyūṭī, *Bughya*, vol. 2, pp. 203–204.

²⁷ Wolfe, *Ibn Maḍā' al-Qurṭubī*, p. 276.

²⁸ Suyūṭī, *Bughya*, vol. 1, p. 323.

²⁹ Jamāl al-Dīn al-Qifṭī, *Inbāh al-ruwāt 'alā anba' al-nuḥāt* 1–4, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Cairo 1950–73, vol. 3, p. 215 has a Muḥammad b. Maḍā' al-Qurṭubī, but does not give any details.

tanāzu,'³⁰ or when he defends the Kufan position on the function of *mā* in *lā siyyamā*.³¹ Abū Ḥayyān also mentions his opinion about *ka-* being a noun,³² and his view that *min* always serves to indicate the genus.³³ When Abū Ḥayyān says³⁴ that Ibn Maḍā' defended al-Kisā'ī's and Hishām's view that the active participle with past tense connotation may govern an object in the accusative, we probably have to assume that this formulation is due to Abū Ḥayyān, since Ibn Maḍā' could hardly have agreed with the notion of governance of the active participle. He may of course have agreed with al-Kisā'ī that in such a construction it was grammatically correct to use the participle with an object in the accusative.

There is one passage in which Abū Ḥayyān lavishes praise on Ibn Maḍā' for being the only grammarian apart from himself to realize how needless and arbitrary the grammarians' attempts at *ta'līl* are.³⁵ On the basis of a comparison of the personal suffixes in Arabic, Persian, Turkish, and Ethiopian, Abū Ḥayyān concludes that across languages the expression of grammatical categories is completely arbitrary, and that those grammarians who try to find an explanation, for instance for the fact that in Arabic the 1st person singular is expressed by a *hamza*, and the 1st person plural by a *nūn*, are mistaken. Abū Ḥayyān may have slightly exaggerated, because even before Ibn Maḍā' there were grammarians who criticized the use of *ta'līl* in grammatical theory, for instance the grammarian Ibn Sinān al-Khafājī (d. 466/1074),³⁶ but it is obvious that he regarded him as a kindred spirit.

In this connection, it is perhaps significant that in the early part of his career Abū Ḥayyān adhered to Ṣāhirī principles,³⁷ and was a student of grammarians known for their adherence to these principles (two of these are mentioned by name, Abū l-'Abbās Aḥmad al-Anṣārī of Seville, and Abū l-Faḍl Muḥammad al-Fihrī of Santa Maria). Later, when he moved to

³⁰ Abū Ḥayyān Muḥammad b. Yūsuf al-Gharnāṭī al-Naḥwī, *Manhaj al-sālik fi l-kalām 'alā Alfīyyat Ibn Mālik*, ed. Sidney Glazer, New Haven, Conn., 1947, p. 133:6.

³¹ Abū Ḥayyān, *Manhaj*, p. 177:28.

³² Abū Ḥayyān, *Manhaj*, p. 232:17.

³³ Abū Ḥayyān, *Manhaj*, p. 238:6.

³⁴ Abū Ḥayyān, *Manhaj*, p. 325:11.

³⁵ Abū Ḥayyān, *Manhaj*, p. 231:1–7; cf. Sidney Glazer, "A noteworthy passage from an Arab grammatical text," *Journal of the American Oriental Society* 62 (1942), pp. 106–108; Wolfe, *Ibn Maḍā' al-Qurṭubī*, pp. 119–121; Suleiman, *The Arabic grammatical tradition*, pp. 170–171; al-Ghalbazūrī, *al-Madrasa al-ṣāhirīyya*, pp. 584, 619–629.

³⁶ Cf. Suleiman, *The Arabic grammatical tradition*, p. 173.

³⁷ Goldziher, *Die Ṣāhiriten*, pp. 187–193.

Egypt, he shifted to the Shāfiʿī school, although he never completely forgot his admiration for the Zāhirī approach.³⁸

2. THE NAME ZĀHIRĪ

The fact that Ibn Maḍāʾ was so closely associated with many partisans of Zāhirī principles and yet, does not seem to have been called a Zāhirī himself, raises the question of what it actually means to call someone a Zāhirī. In the literature, the Zāhiriyya is sometimes represented as a law school in the same sense as the 'official' four law schools of Islam. In the context of the history of al-Andalus, the Zāhiriyya is then regarded as the main competitor of the dominant Mālikī law school.³⁹

It is true that the term *madhhab* is sometimes used in the biographies of allegedly Zāhirī scholars, but this raises another question: what does this term actually mean, and does it always mean the same thing? Perhaps, the meaning of the term *madhhab* in this context is slightly different from the one that is used in connection with the Mālikī or the Shāfiʿī *madhhab*, and may have denoted allegiance to an exegetical method, rather than to a veritable school. Alternative formulations are in fact often found, for instance, statements to the effect that someone belonged to the *aṣḥāb al-zāhir*⁴⁰ or to the *ahl al-zāhir*.⁴¹

Sometimes, the term *madhhab* is used in combination with the name of the founder of the so-called Zāhirī school, Dāwūd b. ʿAlī al-Iṣfahānī (d. 270/883), for instance when it is said that someone *kāna yamīlu ʿilā madhhab Dāwūd*,⁴² but this is comparable to the kind of statement one often finds in grammarians' biographies, where it simply means that a grammarian followed the same approach ('point of departure') as another grammarian. Such a use of the term does not seem to imply any notion of an official, canonical school.

³⁸ See the editor's introduction to Abū Ḥayyān's *Manhaj al-sālik fi l-kalām ʿalā Alfīyyat Ibn Mālik*, ed. Sidney Glazer, New Haven, Conn., 1947, p. xix.

³⁹ See e.g. Goldziher, *Die Zāhiriten*; Fierro, "The legal policies of the Almohad caliphs," p. 238.

⁴⁰ Ibn Ḥazm, *al-Iḥkām fi fuṣūl al-aḥkām*, ed. Aḥmad Shākir, 8 parts in 2 vols, Cairo n.d., vol. 3, p. 259:11–12.

⁴¹ On the terminology of school membership see also Goldziher, *Die Zāhiriten*, pp. 3–5.

⁴² Adang, "The beginnings of the Zāhiri *madhhab* in al-Andalus," p. 124.

Because of the fact that the notion of 'school' is closely connected to that of *taqlīd*,⁴³ it is not surprising that the term 'school' is not used in connection with scholars following the approach of Dāwūd or Ibn Ḥazm, precisely because they strongly opposed any reasoning on the basis of *taqlīd*, and stressed the need for independent reasoning, on the basis of texts. In the case of the 'Ṣāhiriyya', the emphasis is therefore on the use of a common approach to the exegesis of texts, consisting in the assumption of a *ṣāhir*, an immediately accessible meaning, rather than on the social consequences of school formation, such as the right to lead the prayer as a representative of one of the officially recognized law schools.⁴⁴ In the case of scholars following the principle of the *ṣāhir*, there was no special name to indicate them as an organized group, tracing their origins back to one authority, as in the case of the Ḥanābila, or the Shāfi'iyya. In fact, one Ṣāhirī scholar, Abū l-Ḥakam Mundhir b. Sa'īd (d. 355/966) is said to have written a *Kitāb al-Radd 'alā ahl al-madhāhib*,⁴⁵ which illustrates the difference that was felt to exist between those who applied the method of the *ṣāhir* and those who followed a *madhhab*.

In later times, as Wiederhold⁴⁶ has shown, to call someone a Ṣāhirī had little to do with that person's legal views, but it was more a general invective to cast doubt on someone's trustworthiness. In other words, it meant something like 'heterodox', and was generally used for people who opposed the establishment. In the case of the so-called Ṣāhirī revolt in Damascus, for instance, the sobriquet Ṣāhirī was used for people who contested the legitimacy of the Mamlūk sultan. In view of this, it is perhaps preferable to see the *ahl al-ṣāhir*, not as a law school in the same way as the official law schools, but rather as a loosely organized group of scholars who shared certain methodological principles, just as there were *ahl al-qiyās* or *ahl al-ijtihād*, or, for that matter, *ahl al-taqlīd*. This, of course, did not prevent later generations from using the name to discredit their

⁴³ Bernard Weiss, "The *madhhab* in Islamic legal theory," *The Islamic school of law: Evolution, devolution, and progress*, eds. Peri Bearman, Rudolph Peters and Frank E. Vogel, Cambridge 2005, pp. 1–9.

⁴⁴ Daniella Talmon-Heller, "Fidelity, cohesion, and conformity within *madhhabs* in Zangid and Ayyubid Syria," *The Islamic school of law: Evolution, devolution, and progress*, eds. Peri Bearman, Rudolph Peters and Frank E. Vogel, Cambridge 2005, p. 96.

⁴⁵ Adang, "The beginnings of the Ṣāhiri *madhhab* in al-Andalus," p. 121.

⁴⁶ Lutz Wiederhold, "Legal-religious elite, temporal authority, and the caliphate in Mamluk society: Conclusions drawn from the examination of a 'Ṣāhiri' revolt in Damascus in 1386," *International Journal of Middle Eastern Studies* 31 (1999), pp. 203–235.

opponents, in much the same way as the epithet Mu'tazilī was sometimes used as an invective in the works of later biographers.

It is obvious that Ibn Maḍā' was closely attached to many of the scholars of his time who were in favour of a Ṣāhirī interpretation of law, i.e., who insisted on the need to base one's legal judgment exclusively on the text of the Qur'ān. It is not surprising that many of these scholars, including Ibn Maḍā' himself, were anxious to become judges, because this allowed them to apply their legal principles to the actual pronouncement of judgments in concrete cases. This explains their involvement in the policies of the rulers of their time, the Almohads, who did not aim at replacing one law school with another, but rather opposed the traditional Mālikī scholars who relied heavily on *ra'y* in their legal practice.⁴⁷ In fact, it was perfectly possible to be a Mālikī in the sense of agreeing with the interpretation of various cases that were current in the Mālikī school, and at the same time to deny the value of analogical reasoning and personal opinion. When these scholars agreed with the Mālikī position, it was not because of *taqlīd*, but because in their view it corresponded to the correct (i.e., *ṣāhir*) interpretation of the Qur'ānic text.

The agenda of the Almohad caliphs becomes clear from one legal *summa*, which must have been instigated by them, Ibn Rushd's *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*. In this treatise, which took the author twenty years to finish, Ibn Rushd set out the principles with which a legal scholar can deduce rulings from the sources of Islam. According to Fierro,⁴⁸ the main aim of his handbook was to show how true knowledge can be achieved. In accordance with the Almohad agenda, disagreement among legal scholars is regarded by him as a bad thing, and as something that could and should be avoided. With the help of Ibn Rushd's rules, legal scholars could use their independent reasoning (*ijtihād*), without relying on the judgment of earlier scholars (*taqlīd*). The approach used in the *Bidāya* resembles that of Ibn Ḥazm in some respects, for instance in the rejection of *taqlīd*, but unlike Ibn Ḥazm, Ibn Rushd advocates the use of *qiyās* in those cases where the sources have no ruling (see below).

Ibn Maḍā' never explicitly mentions Ṣāhirī principles in his treatise, nor does he state that he is a follower of Ibn Ḥazm, but he clearly aligns himself with the Almohads, just like his contemporary Ibn Rushd. This

⁴⁷ Maribel Fierro, "Proto-Malikis, Malikis, and reformed Malikis in al-Andalus," *The Islamic school of law: Evolution, devolution, and progress*, eds. Peri Bearman, Rudolph Peters and Frank E. Vogel, Cambridge 2005, pp. 37–76.

⁴⁸ Fierro, "The legal policies of the Almohad caliphs".

is hardly surprising, since, after all, he had been appointed by them as a judge. In the introduction to his treatise he explicitly mentions *al-imām al-ma'ṣūm wa-l-mahdī l-ma'lūm*,⁴⁹ i.e. Ibn Tūmart (d. ca. 524/1130), the ideological founder of the movement, and he asks God's blessing for the Almohad caliph and his son. Ibn Maḍā' does not deal with legal science, nor with the science of *ḥadīth*, but with the study of language and the discipline of linguistics. Before him, Ibn Ḥazm had already investigated a number of linguistic issues in a similar way,⁵⁰ in particular the scope of the imperative in speech, and the notion of underlying levels of speech.⁵¹ Ibn Ḥazm's view was that the use of a word or expression in a derived sense (for instance, the imperative for a polite request) is part of the way the Arabs use speech, but such a deviation from the ordinary sense of the word may only be assumed if there is a clear sign (*dalīl*) about the need to do so.⁵² Since Ibn Maḍā' does not refer to Ibn Ḥazm directly, the only way to judge the connection between their approach to linguistics is by studying the *Kitāb al-Radd* itself.

In the literature, the term 'literalist' is often used as an alternative name for this approach, and literalism seems indeed to be among the features commonly attributed to Ṣāhirī reasoning in the modern literature.⁵³ Yet, it is perhaps not quite accurate to regard the two terms as equivalent, at least not in the common sense of the term 'literalism', as applied to exegesis. Ibn Ḥazm's point is not that the literal meaning of the text should be adhered to strictly, as against its figurative meaning, but he believes that as a native speaker of a language, one has an inborn sense of what a word or sentence means, and that this should suffice for a complete understanding of any text. His main argument is that God Himself states in the Qur'ān that He has sent down the revelation in a clear, Arabic language. This means that any ordinary speaker should be able to understand the text.⁵⁴

Earlier scholars, such as al-Shāfi'ī (d. 205/820) had stressed the importance of the *ṣāhir* of the text, but as Arnaldez puts it,⁵⁵ for al-Shāfi'ī the *ṣāhir* was the point of departure for further argumentation, whereas for

⁴⁹ Ibn Maḍā', *Radd*, p. 71.

⁵⁰ Arnaldez, *Grammaire et théologie; al-Ghalbazūrī, al-Madrasa al-ṣāhiriyya*, pp. 589–593.

⁵¹ Arnaldez, *Grammaire et théologie*, pp. 49–87.

⁵² Arnaldez, *Grammaire et théologie*, pp. 163–164.

⁵³ E.g. Suleiman, *The Arabic grammatical tradition*, p. 150.

⁵⁴ Ibn Ḥazm, *Ihkām*, vol. 3, p. 260.

⁵⁵ Arnaldez, *Grammaire et théologie*, p. 223.

Ibn Ḥazm it was the first and only basis.⁵⁶ Other *uṣūlīs*, as well, used the term *ẓāhir* for the most probable or reasonable interpretation of a text; the term *naṣṣ* is reserved for those cases where the meaning is unequivocal, and there is no need for further interpretation. Here, the term *ẓāhir* is used for the interpretation according to “the first meaning that springs to mind (‘apparent’).”⁵⁷ Other traditions distinguished even more levels of exegetical understandability; in the Ḥanafī system, for instance, there are four levels: *ẓāhir*, *naṣṣ*, *mufassar*, *muḥkam*.

The obvious meaning of a text may very well be a metaphorical one: metaphors are after all part of the institution of speech. In an expression such as ‘the foot of the mountain’, the word ‘foot’ is used in one of its instituted meanings (‘lowest part of the mountain’), which is derived (*naql*) from another of its meanings (‘part of the leg’). According to Ibn Ḥazm, words may indeed be removed from their original meaning (*ma’hūd* or *mawḍū’ lahu*), but this does not mean that one is free to choose between the original or the metaphorical meaning. One can only interpret a word as having metaphorical meaning if there is a *dalil* for this. Such an indication is always contextual in the sense that it is based on our understanding of the text (*mafhūm al-laḥẓ*).⁵⁸ In this respect, metaphors do not differ from the interpretation of homonyms: when we encounter the word ‘*ayn*’ ‘eye; spring; letter ‘; spy’, our understanding of the text helps us to choose between its various meanings. Thus, the term ‘literalism’ does not quite captivate the essence of *Ẓāhirī* reasoning, even though in many cases the literalist and the *ẓāhir* interpretation of a text may very well be identical.

3. IBN MAḌĀ’S TREATISE

3.1 *The Aim of the Treatise*

Ibn Maḍā’s aim in writing his treatise is to remove from grammar anything that is not needed and to denounce errors that are common to all grammarians (*qaṣḍi fī hādḥā l-kitāb an aḥdhifa min al-naḥw mā yastaghni l-naḥwī ‘anhu wa-unabbiha ‘alā mā ajma’ū ‘alā l-khaṭa fīhi*).⁵⁹ He wishes

⁵⁶ Cf. Nabil Shehaby, “*Illa* and *qiyās* in early Islamic legal theory,” *Journal of the American Oriental Society* 102 (1982), p. 29, who assumes that for al-Shāfi’ī the term *ẓāhir* meant the probable knowledge of a case or a text.

⁵⁷ Muhamed M. Yunis Ali, *Medieval Islamic pragmatics: Sunni legal theorists’ models of textual communication*, Surrey 2000, pp. 128–129.

⁵⁸ Ibn Ḥazm, *Iḥkām*, vol. 5, p. 108.

⁵⁹ Ibn Maḍā’, *Radd*, p. 76.

to cleanse this discipline from the false statements that have been made by all grammarians (note the use of the verb *ajma'a* which is related to Ibn Ḥazm's criticism of the principle of *ijmā'*), and to defend the text of the Qur'ān against their false and arbitrary interpretations. An important expression in this connection is that of *ahl al-ḥaqq*.⁶⁰ This may very well refer to the same category of people that Ibn Rushd had in mind: those who know what the ultimate truth is. These people are contrasted with those who express their own opinion (*ra'y*) about the exegesis of the Qur'ān without any proof. Ibn Maḍā' states quite clearly that the latter is *ḥarām*.⁶¹ The same people are led astray by their uncritical following of earlier authorities (*taqlīd*).⁶² In this respect, Ibn Maḍā' is completely in line with one of the main principles of Ṣāhirī thought. Just as Ibn Rushd aimed at setting down the rules with which scholars can arrive at the truth through independent reasoning (as against personal opinion without any textual basis), in order to unify the divergent opinions,⁶³ Ibn Maḍā' may have felt it to be his task to unify the science of grammar by doing away with mere opinion (*ra'y*), and thus arriving at the truth. His main objective is to demonstrate that the grammarians' assumptions about underlying levels of speech (*iḍmār*) are unnecessary "in laying down the rules to preserve the language of the Arabs" (*lā yuḥtāju ilayhi fī i'tā' al-qawānīn allatī yuḥfaẓu bihā kalām al-'Arab*).⁶⁴

His programmatic treatise resembles that of Ibn Rushd in yet another respect: at the end of the treatise he emphasizes the uselessness of different opinions (*al-ikhtilāf fīmā lā yufīdu nuṭqan*),⁶⁵ for instance, the never-ending discussion whether the accusative of the object is caused by the verb, or by the agent, or by the verb and the agent together. This looks very much like the kind of differences that, according to Ṣāhirī scholars, were so detrimental to finding the truth in legal matters. Ibn Tūmart believed that there is only one true answer to any question.⁶⁶

Another practical example of these useless discussions is given by Ibn Maḍā' in the section on phonetic issues, namely the controversy about the correct pattern *fu'l* of the root *b-y-*;⁶⁷ according to some grammarians

⁶⁰ Ibn Maḍā', *Radd*, pp. 77:8, 78:6.

⁶¹ Ibn Maḍā', *Radd*, p. 81:17.

⁶² Ibn Maḍā', *Radd*, p. 94:5.

⁶³ Fierro, "The legal policies of the Almohad caliphs," pp. 232, 248.

⁶⁴ Ibn Maḍā', *Radd*, p. 123:4–5.

⁶⁵ Ibn Maḍā', *Radd*, p. 141.

⁶⁶ Fierro, "The legal policies of the Almohad caliphs," p. 203.

⁶⁷ Ibn Maḍā', *Radd*, pp. 138–139.

this should be *būʿ* and according to others *bīʿ*. Ibn Maḍāʾ then states that “there are arguments for the correctness of either opinion” (*wa-ammā ayyu l-raʾyayni huwa l-ṣawāb fa-li-kull wāḥid min al-raʾyayni ḥujjatun*).⁶⁸ Note the use of the term *raʾy* here, but also note that, unlike the customary Ṣāḥirī point of view, he does not say that either opinion is wrong; his point is that he is not convinced of the need to have such discussions in the first place. He then sets out in great detail the reasoning behind each of the two opinions and ends by saying “People are unable to memorize the correct language, let alone these needless fabrications!” (*wa-l-nās ʿajizūna ʿan ḥifẓ al-lughā al-faṣīḥa fa-kayfa bi-hādhā l-maẓnūn al-mustaghna ʿanhu*).⁶⁹

3.2 *Ibn Maḍāʾ against taʿlīl*

In Arabic linguistics, grammarians have always attempted to explain the facts of language by rational arguments. Grammarians like al-Zajjājī (d. 339/949) and Ibn Jinnī (d. 392/1002) attempted to find out the underlying causes by an extensive system of grammatical reasoning (*taʿlīl*).⁷⁰ The problem is that once one starts asking questions, there is an infinite number of further levels of explanations that is needed (the *ʿillat al-ʿilla* and so on). In fact, Ibn Jinnī already referred to the risk of an infinite regression in this kind of reasoning, and other grammarians, long before Ibn Maḍāʾ, criticized the weakness of linguistic argumentation.⁷¹ Al-Zajjājī attempted to bootstrap linguistic reasoning out of this epistemological trap. He added a third level of causes, which provided the final explanation of the facts of language, that of the *ʿilal naẓariyya wa-jadaliyya* ‘theoretical and speculative causes’: these were adduced from outside linguistics in order to avoid an infinite regression.⁷² Against this, Ibn Maḍāʾ argues that for the purpose of learning the language, only one level of explanations is needed. For instance, if we want to know why the word *zaydun* has the nominative in the sentence *qāma zaydun* ‘Zayd stood up’, the correct answer is that it is the agent, and that all agents in Arabic have the nominative, according to the *kalām al-ʿArab*. Any further questions about these

⁶⁸ Ibn Maḍāʾ, *Radd*, p. 139:3–4.

⁶⁹ Ibn Maḍāʾ, *Radd*, p. 140:14–15.

⁷⁰ See Suleiman, *The Arabic grammatical tradition*.

⁷¹ Ramzi Baalbaki, *The legacy of the Kitāb: Sibawayhi’s analytical methods within the context of the Arabic grammatical theory*, Leiden 2008, p. 266.

⁷² Kees Versteegh, *The explanation of linguistic causes: Az-Zaḡḡāḡī’s theory of grammar, introduction, translation, commentary*, Amsterdam and Philadelphia 1995, pp. 90–91.

facts (such as 'why does the agent have the nominative?') are unnecessary, according to him.

Just like Ibn Ḥazm before him, Ibn Maḍā' firmly believes that the speakers of the language know instinctively what the meaning of a word is. This is the meaning for which the word has been instituted, which is independent from the intention of the speaker.⁷³ The intuitive knowledge of the speaker is inborn but it is also guaranteed by a long line of transmission of the language. An important element in linguistic epistemology is that of *tawātur*, which also happens to be a central argument in the theory of the transmission of legal knowledge.⁷⁴ In the conception of knowledge adhered to by Ibn Maḍā', the concept of *tawātur* allows us to acquire knowledge of the past on a firm basis.⁷⁵ Indeed, according to him, the recurring report about (true) facts engenders knowledge (*yūqī'u l-'ilm*).⁷⁶ The *kalām mutawātir*⁷⁷ is the legitimization of the correctness of the expression.

It is, therefore, entirely immaterial what kind of explanation the grammarians may give to questions like 'why isn't the agent put in the accusative, and the patient in the accusative?'. In fact, Ibn Maḍā' sometimes gives examples of such answers in the vein of traditional grammarians like al-Zajjājī and Ibn Jinnī,⁷⁸ but then hastens to add that by such explanations our knowledge of the facts of the language of the Arabs is not increased one bit, which is why they are useless.

Nonetheless, Ibn Maḍā's attitude towards the secondary causes is slightly more complicated than this, as becomes clear when he speaks about the different classes of secondary causes.⁷⁹ The primary causes (*'ilal uwal*) are derived directly from our observation of the way the Arabs speak; they are the *'ilal ta'limiyya* in al-Zajjājī's classification.⁸⁰ The secondary causes are not needed (*yustaghna' anḥā*),⁸¹ but Ibn Maḍā'⁸² does regard

⁷³ Cf. Arnaldez, *Grammaire et théologie*, p. 56.

⁷⁴ See Bernard Weiss, "Knowledge of the past: The theory of *tawātur* according to Ghazālī," *Studia Islamica* 61 (1985), pp. 81–105.

⁷⁵ Weiss, "Knowledge of the past"; Binyamin Abrahamov, "Necessary knowledge in Islamic theology," *British Journal of Middle Eastern Studies* 20 (1993), pp. 20–32.

⁷⁶ Ibn Maḍā', *Radd*, p. 131:2.

⁷⁷ Ibn Maḍā', *Radd*, p. 130:6.

⁷⁸ Versteegh, *The explanation of linguistic causes*, pp. 91–92.

⁷⁹ Ibn Maḍā', *Radd*, p. 131f.

⁸⁰ Abū l-Qāsim al-Zajjājī, *al-Īdāḥ fi 'ilal al-naḥw*, ed. Māzin al-Mubārak, Cairo 1959, pp. 64–66; Versteegh, *The explanation of linguistic causes*, pp. 90–91.

⁸¹ Ibn Maḍā', *Radd*, p. 132:14.

⁸² Ibn Maḍā', *Radd*, p. 133ff.

some of them as true, namely those which can be empirically tested. For instance, the rule in Arabic grammar that forbids a cluster of two vowelless consonants (*iltiqā' al-sākinayni*) is said to be based on the physical impossibility of pronouncing such a cluster. Likewise, in a word like *mīzān* 'balance', Ibn Maḍā', just like traditional grammarians, derives this from **mīwzān* and explains that after the vowel *i* it is easier to pronounce a *y*, so that the original consonant is changed.⁸³ In such cases, the secondary cause is not untrue, but pedagogically useless: learners do not gain anything by knowing these causes.⁸⁴ This emphasis on the pedagogical need to suppress complicated arguments from the curriculum of grammar is also found in al-Jāḥiẓ's (d. 255/869) *Kitāb al-Muta'allimīn*, in which the author states that students should not be exposed to intricate linguistic arguments, but concentrate on correct speech.⁸⁵

3.3 *Ibn Maḍā' against 'amal*

Apart from his objection to the *ta'līl* of the grammarians, Ibn Maḍā's principles led him to a complete rejection of several fundamental principles of Arabic grammatical theory, in particular those of 'amal 'governance' and *idmār* 'deletion'.⁸⁶ In Arabic grammatical theory, all case endings must be assigned by the operation of an 'āmil 'operator, governor'. Ibn Ḥazm does not speak about this principle of 'āmil. Yet, although he nowhere explicitly challenges its validity, one surmises that he would not have been in favour of it. Perhaps significantly, in a quotation from the first chapter of Sibawayhi's *Kitāb* he leaves out the part about 'amal as the driving force behind the distinction between declensional and non-declensional endings.⁸⁷

In traditional grammar, the concept of 'amal is all-pervasive. In the sentence *ḍaraba zaydun 'amran* 'Zayd hit Amr', for instance, most grammarians regard the verb *ḍaraba* as the case assigner of the nominative in the agent *zaydun* and the accusative in the object 'amran. This operator can even function when the object precedes, as in 'amran ḍaraba zaydun: this deviant word order is explained by the inherent creativity of the Ara-

⁸³ Cf. the word *wazn*, in which the original *w* is still visible.

⁸⁴ Cf. Suleiman, *The Arabic grammatical tradition*, p. 167.

⁸⁵ Baalbaki, *The legacy of the Kitāb: Sibawayhi's analytical methods within the context of the Arabic grammatical theory*, Leiden 2008, p. 303.

⁸⁶ Michael G. Carter and Kees Versteegh, "Idmār," *Encyclopedia of Arabic language and linguistics*, ed. Mushira Eid a.o., Leiden 2007, vol. 2, pp. 300–302.

⁸⁷ Cf. Arnaldez, *Grammaire et théologie*, p. 81.

bic speakers, and their tendency to vary their speech. In such a case, the grammarians posit the existence of an underlying sentence by the procedure of *taqdīr*. In the underlying sentence, the object has its normal position after verb and agent, and its accusative is thereby explained as the result of the operation of the verb.⁸⁸ Now, what about a sentence '*amrun ḍarabahu zaydun*? The analysis of this sentence by the Arabic grammarians is slightly more complicated because they analyze it as a nominal sentence, whose structure differs considerably from that of the verbal sentences we have met so far. In the nominal sentence '*amrun ḍarabahu zaydun*, the word '*amrun* is the topic (*mubtada'*) of the sentence, and the words *ḍarabahu zaydun* are its predicate (*khabar*), in this case a sentence with its own verb, object and agent; the sentence therefore means '[as for] Amr, Zayd hit him'.⁸⁹

In the nominal sentence, the case endings in the predicate may be analyzed as assigned by the verb. But the nominative ending in the topic is a more controversial issue. In a sentence like *zaydun qāma* 'Zayd stood up', the grammarians maintain that it contains a topic (*zaydun*) and a sentence functioning as predicate (*qāma*). In other words, the verb *qāma* must contain a pronoun, otherwise it does not have an agent; the meaning of the sentence is therefore 'Zayd, he stood up'. In the verbal sentence *qāma zaydun*, the agent is the word *zaydun*. This is standard grammatical theory and the grammarians adduce as evidence that in the plural this pronoun is indeed visible: *al-zayduna qāmū* 'the Zayds stood up', where the final *w* in *qāmū* is analyzed by them as a pronominal agent. This sentence contrasts with *qāma l-zaydūna*, where, as expected, *al-zaydūna* functions as agent so that no pronoun is needed. Obviously, in the singular verb *qāma* the pronoun is not visible. In modern linguistic theory this would be called a zero morpheme.

The assumption of such a zero morpheme was not entirely uncontroversial in Arabic grammatical theory. From a discussion reported by Ibn al-Anbārī,⁹⁰ we know that the Kufan grammarians, and in particular al-Farrā' (d. 207/822), objected to the assumption of invisible and abstract elements. In this discussion, the point at issue is the principle of

⁸⁸ Kees Versteegh, "The notion of 'underlying levels' in the Arabic grammatical tradition," *Historiographia Linguistica* 21 (1994), pp. 271–296.

⁸⁹ See Georgine Ayoub and Georges Bohas, "Les grammairiens arabes, la phrase nominale et le bon sens," *The history of linguistics in the Near East*, eds. Kees Versteegh, Konrad Koerner, and Hans-Josef Niederehe, Amsterdam 1983, pp. 31–48.

⁹⁰ Ibn al-Anbārī, *Kitāb al-Inṣāf fi masā'il al-khilāf bayna l-naḥwiyyīna l-baṣriyyīna wa-l-kūfiyyīn*, ed. Gotthold Weil, Leiden 1913, pp. 25–26.

ibtidā', which the Basrans believe to be responsible for the nominative in the topic. Al-Farrā' shows himself to be extremely sceptical about the desirability of introducing such an abstract concept in linguistic theory, and this attitude was probably shared by most Kufan grammarians. Ibn Maḍā' quotes approvingly the opinion of the Kufan grammarian al-Kisā'ī about sentences like *qāma wa-qa'ada zaydun* 'Zayd stood up and sat down'.⁹¹ In this case, al-Kisā'ī believed that the agent of the first verb was deleted, whereas other grammarians asserted that it was there in the underlying structure ('*alā l-iḍmār*'). This may seem to be a subtle distinction, but whereas Ibn Maḍā' had nothing against deletion as such (which was practiced by the Arabs for the sake of conciseness), he did object to any effort to reconstruct a 'hidden' meaning, as the grammarians routinely did. In general, the Kufan grammarians tended more to accept language at face value and were much less prone to the kind of linguistic reasoning their Basran colleagues went in for. One could perhaps say that their approach was more acceptable to anyone believing in the principle of the *ẓāhir*. We have seen above that in Abū Ḥayyān's *Manhaj*, Ibn Maḍā' is quoted several times for his agreement with the point of view of al-Kisā'ī. It may be significant that Ibn Ḥazm, too, is sometimes extremely critical of the Basran theories, for instance when he deals with the etymology of the word *ism*.⁹²

Interestingly, Ibn Maḍā' introduced a new term to denote the relationship between two constituents in a sentence: *ta'liq*.⁹³ This term was not unknown in linguistics, but it was used for a special case of suspension of governance, in which an intercalated word in the sentence breaks up the governance relation, for instance, between a verb and its object.⁹⁴ According to Ibn Maḍā', the grammarians use it only for *majrūrāt* where there is no governance between the constituents, whereas he proposes to extend its meaning to all relations between the constituents of a sentence; apparently, since this term does not have the connotation of '*amal*', i.e. case assignment by an operator, it was more acceptable to him. It is doubtful that this use is connected with the meaning of *ta'liq* in traditional Arabic grammar, but it may be related to the use of *ta'liq* and the

⁹¹ Ibn Maḍā', *Radd*, pp. 94–95, but see p. 101 where he seems to prefer the Basran point of view.

⁹² Arnaldez, *Grammaire et théologie*, pp. 84–85.

⁹³ Ibn Maḍā', *Radd*, p. 94:10–12.

⁹⁴ See Valeriy Rybalkin, "Ta'liq," *Encyclopedia of Arabic language and linguistics*, ed. Mushira Eid a.o., Leiden, vol. 4, pp. 428–430.

related term *ta'alluq* in the rhetorical works of al-Jurjānī (d. 471/1078). This grammarian/rhetorician wrote traditional commentaries on Arabic grammar, in which he used the traditional terminology to analyze the relations between the sentential constituents, but in his rhetorical writings, such as the *Dalā'il al-ʿijāz* and the *Asrār al-balāgha*, he introduced two new notions with which he analyzed the structure of sentences, *naẓm* and *ta'līq*.⁹⁵ It is possible that this is the source of Ibn Maḍā's use of the term *ta'līq*, although it must be admitted that he used it in a slightly different way than al-Jurjānī did.

3.4 *Ibn Maḍā' against iḍmār*

In the standard syntactic theory of the Arabic grammarians, the principle of deletion (*iḍmār*) was the natural corollary of the search for the *ʿāmil*. This becomes clear from the analysis of a sentence like *'amran ɗarabahu zaydun*, which is crucially different from that of *'amran ɗaraba zaydun*, which we have discussed above. In this case, *'amran* cannot be explained as a topic (because of its accusative), but it cannot be the object of *ɗaraba* either, because that verb is already occupied by another object (*-hu*). In such a case, the grammarians have no alternative but to assume an underlying verb to explain the accusative in *'amran*, either another *ɗaraba* (*ɗaraba 'amran ɗarabahu zaydun* 'he hit Amr, he hit him, Zayd') or a verb like *a'nī* (*a'nī 'amran ɗarabahu zaydun* 'I mean Amr, Zayd hit him'). A similar example is *yā malika l-baladi* 'o king of the land', where the accusative after *yā* is explained by a suppletive verb *unādī* by some grammarians: *yā unādī malika l-baladi* 'o, I call the king of the land'. Such suppletive verbs are deleted in the surface structure, but they are needed in the underlying structure as case assigners. Since the governance by an *ʿāmil* is axiomatic in Arabic grammatical theory, the grammarians were forced to have recourse to the device of *iḍmār* to explain all case endings.

The procedure of *iḍmār* is one of the main targets of Ibn Maḍā's criticism. He regards this principle as needless, and in fact even harmful. Ibn Maḍā was not the first grammarian to question the need to reconstruct an underlying structure. His colleague al-Suhaylī rejected analyses of this

⁹⁵ Ramzi Baalbaki, "The relation between *naḥw* and *balāgha*: A comparative study of the methods of Sibawayhi and Ġurġānī," *Zeitschrift für Arabische Linguistik* 11 (1983), pp. 7–23; Raji M. Rammuny, "Al-Jurjānī, a pioneer of grammatical and linguistic studies," *Historiographia Linguistica* 12 (1985), pp. 351–371; idem, "The role of Al-Jurjani's concept of *ta'līq* in the development of Arabic grammatical theory and linguistic studies," *International Journal of Arabic and Islamic Studies* 3 (1986), pp. 27–42.

kind, in which a verb is supposed to be present in the underlying structure, and is then regarded as the case assigner of the accusative in the surface structure. Baalbaki⁹⁶ assumes that al-Suhayli's rejection of this *taqdīr* is connected with his innovative approach to the concept of 'āmil. For the majority of grammarians, most governors are of the *lafẓī* kind, i.e., they are present in the surface structure. Generally speaking, only two governors were accepted by the mainstream grammarians:⁹⁷ the *ibtidā'*, which causes the nominative of the topic, and the resemblance to the noun (*muḍāra'a*), which causes the nominative in the imperfect verb. As Baalbaki shows, al-Suhayli extended the principle of abstract governance to many more constructions. He believed that the nominative of the agent was due to its being an agent (*fā'iliyya*), the accusative of the object to its being an object (*maf'ūliyya*), etc. In particular, he introduced new types of these abstract governors ('*awāmil ma'nawīyya*) for the accusative after the vocative particle *yā*, and for the accusative in the sentence *zaydan ɗarabtuhu*, which he believed were both caused by an abstract governor *qā'id*.⁹⁸ In such an approach, there is no need for an underlying verb like *unādī* or *a'nī*.

For al-Suhayli, the relationship between the governing principle and the case ending still seems to have been one of governance ('*amal*'), but his position does resemble that of Ibn Maḍā' to a certain extent: if the case ending is seen as the result of the speaker's intention, who wishes to express an object or an agent or anything else, there is not much difference with Ibn Maḍā's view that the native speakers, who know how to speak Arabic, insert the case endings according to their knowledge of the language. Abstract principles like *fā'iliyya* or *maf'ūliyya* seem to be the first step away from a strict dependency model.⁹⁹ At any rate, Ibn Maḍā' must have been pleased with his colleague's objections to the reconstruction of underlying verbs.

In the final analysis, the main difference between Ibn Maḍā' and all other grammarians lies perhaps elsewhere. We have already seen that for him all explanations of this kind are completely unnecessary when

⁹⁶ Baalbaki, "Expanding the *ma'nawī 'awāmil*"; idem, *The legacy of the Kitāb*, pp. 290–297.

⁹⁷ Although not even these were acceptable to all grammarians, see the discussion about *ibtidā'* in Ibn al-Anbārī, *Inṣāf*, pp. 25–26.

⁹⁸ Baalbaki, "Expanding the *ma'nawī 'awāmil*," pp. 38–39; Baalbaki, *The legacy of the Kitāb*, pp. 290–297.

⁹⁹ Cf. Jonathan Owens, *The foundations of grammar: An introduction to medieval Arabic grammatical theory*, Amsterdam/Philadelphia 1988, pp. 57ff.

learning a language. It is enough for the learner to know that the agent is to be put in the nominative, and the object in the accusative. Any further explanation only obscures the linguistic facts and complicates the work of the learner. But Ibn Maḍā's main objection to the grammarians' efforts at reconstruction of an underlying level is probably theologically inspired. In his analysis of *ḥadhf*, he states¹⁰⁰ that there are three kinds of deletion (*maḥdhūfāt* or *ḥadhf*):

- i. deletion of elements that are necessary to complete an utterance, but that can be deleted because the addressee understands it, e.g. when I say to someone who is distributing money *zaydan*, where it is obvious that I mean 'give Zayd!'
- ii. deletion of elements that are not necessary for the completion of an utterance, and whose addition to the utterance leads to incorrect speech, e.g. when the sentence *a-zaydan ḥarabtaḥu* is reconstructed by the grammarians as *a-ḥarabta zaydan ḥarabtaḥu*
- iii. deletion of elements whose addition to the utterance changes the meaning, e.g. when the sentence *yā 'abda l-maliki* is reconstructed by the grammarians as *yā unādī 'abda l-maliki*

The first kind of deletion is the normal deletion we find in ordinary speech, when we leave out things that the hearer understands without our explicitly mentioning them. This is also common in the text of the Qur'ān, for instance when God says (Q 12:82) *is'ali l-qaryata* 'ask the settlement!'. Here, all speakers of Arabic will understand that what is meant by Him is 'ask the people of the settlement!'. Incidentally, this shows again that the translation of literalism for *zāhir* is not appropriate, because within a Zāhirī framework it is perfectly acceptable to assume deletions (*ḥadhf*), even in the case of God's speech: after all, God had chosen to use the language of the Arabs for His message and in this language, such deletions are common among speakers.

Ibn Maḍā's objections are therefore directed against the two other kinds of deletion, which he regards as unnecessary and even dangerous. The basic error in both kinds is the grammarians' axiomatic view that there must always be an *'amil*; this forces the grammarians to assume an underlying structure, when there is absolutely no necessity to do so.

Assuming such an underlying structure may even change the meaning of the utterance. In the case of the vocative particle *yā*, for instance, the assumption of an underlying verb *unādī* changes the structure of the

¹⁰⁰ Ibn Maḍā', *Radd*, pp. 78–82.

sentence from an exclamation into a proposition. In the case of human speech, this is unnecessary and useless, but in the case of God's speech it is an unwarranted intrusion of human invention in the divine message. Here we see the connection with Ibn Ḥazm's Zāhiri principles: God's speech should be taken at its face value and never subjected to any human intervention. Therefore, *iḍmār* is a dangerous principle, which has only been introduced in linguistics because of the arbitrary principle of 'amal. Both principles should be abolished from grammar: on the basis of our innate faculty of speech¹⁰¹ and the *kalām mutawātir*, we know that after the particle *yā* the accusative ending should be used when the noun is followed by a genitive. In such an approach, there is no need for any 'āmil.

3.5 Ibn Maḍā' on taqdīr and qiyās

It is not always easy to follow Ibn Maḍā's reasoning, chiefly because for the sake of argument he sometimes seems to adopt the grammarians' reasoning, freely using terms like *qiyās* and *taqdīr*, only to reject these arguments later on. Therefore, it sometimes seems as if these terms are used by himself. But eventually, after a lengthy commentary in the style of traditional grammar, he says that this is of course entirely useless. In itself, his view is perfectly clear, for instance, when he says¹⁰² that in geometry it helps the student to draw imaginary lines in a figure, but that in linguistics the assumption of 'awāmil is not helpful at all (*lā shay' fihi min dhālika*), but just "speculation and fabrication" (*taqdīr wa-takhyīl*). Here, the term *taqdīr* clearly has a negative connotation. Nonetheless, he does use the term himself,¹⁰³ possibly in a more non-technical sense in which it is almost equivalent to 'meaning' (*ma'nā*), for instance when he uses *taqdīr al-maḥdhūf*¹⁰⁴ almost synonymously to *ma'nā l-maḥdhūf*.¹⁰⁵

A special problem is the status of the *qiyās* in Ibn Maḍā's *Radd*. Ibn Ḥazm had firmly rejected the use of *qiyās* as the basis for legal rulings. He distinguished between analogical reasoning on the basis of resemblance (*shabah*) and on the basis of a common cause ('*illa*), which were

¹⁰¹ Note that this does not refer to the notion of an innate language, because in Ibn Ḥazm's view language as such is not innate, only our faculty to learn it, see Miguel Asín Palacios, "El origen del lenguaje y problemas conexos, en Algazel, Ibn Sida e Ibn Ḥazm," *Al-Andalus* 4 (1939), pp. 253–281; Henri Loucel, "L'origine du langage d'après les grammairiens arabes," *Arabica* 10 (1963), pp. 188–208, 253–281; 11 (1964), pp. 57–72, 151–187.

¹⁰² Ibn Maḍā', *Radd*, p. 87:1–2.

¹⁰³ E.g. Ibn Maḍā', *Radd*, pp. 9:5, 8; 104:11, 14.

¹⁰⁴ Ibn Maḍā', *Radd*, p. 109:6.

¹⁰⁵ Ibn Maḍā', *Radd*, p. 109:11.

both invalid.¹⁰⁶ Suleiman¹⁰⁷ explains that Ibn Ḥazm's main objection to the use of *qiyās* was the arbitrariness of the resemblance.¹⁰⁸ The *qiyās al-illa* leads to unacceptable human attempts to determine the reasons for God's decisions: this is only allowed when God Himself provides the reason why something is forbidden. It is not true, however, that the use of analogical reasoning was completely anathema in Ṣāhirī methodology. Shehaby¹⁰⁹ refers to Dāwūd al-Iṣfahānī, who was forced to accept the use of analogical reasoning in practice, calling it *dalīl*. Making claims of whatever kind without a *dalīl* is, of course, strictly forbidden in Ṣāhirī teaching. Ibn Maḍā' exhibits the same sentiment when he calls a claim of his opponents *da'wā lā dalīla 'alayhā* 'an unsubstantiated claim'.¹¹⁰

In the *Radd*, the term *qiyās* occurs several times.¹¹¹ A good example is a discussion that hinges on the interpretation of the sentence *a'lamtu wa-a'lamūnihim iyyāhum l-zaydīna l-amrīna munṭaliqīna*, which probably means something like 'I told the Zayds that the Amrs were leaving, and they told me the same'.¹¹² Here, Ibn Maḍā' says that the analogy (*qiyās*) with ordinary transitive verbs is far-fetched (*ba'īd*), and that because of the accumulation of pronouns the sentence is so ambiguous that it has no parallel in the language of the Arabs. Theoretically, it might be a correct sentence, but in ordinary speech no one would ever consider saying this. Nonetheless, Ibn Maḍā' does use here the term *qiyās* as though it is part of his technical vocabulary.

Likewise, when he speaks¹¹³ about the correct morphological form *fu'l* from the root *b-y-d* 'to be white', he says that the *qiyās* would be to say *buyd*, but that the speakers change the /u/ into an /i/ in order to avoid having to change the /y/ into a /w/. The term seems to indicate here the form that would be created by analogy (which is the wrong form because speakers do not use it). It is not quite clear whether this is another instance of the phenomenon described above, namely that Ibn Maḍā' first explains an issue in terms of the grammarians and then tells us that this exercise is useless.

¹⁰⁶ Arnaldez, *Grammaire et théologie*, pp. 165–193.

¹⁰⁷ Suleiman, *The Arabic grammatical tradition*, pp. 153–154.

¹⁰⁸ See also Shehaby, "Illa and *qiyās*," p. 33.

¹⁰⁹ Shehaby, "Illa and *qiyās*," pp. 29–30.

¹¹⁰ Ibn Maḍā', *Radd*, p. 79:8.

¹¹¹ Suleiman, *The Arabic grammatical tradition*, pp. 156–161.

¹¹² Ibn Maḍā', *Radd*, p. 98:12.

¹¹³ Ibn Maḍā', *Radd*, p. 139:2.

Probably, for Ibn Maḍā' the procedure of *qiyās* was acceptable¹¹⁴ in the same way as it was for Ibn Rushd, in spite of the adherence of both scholars to Zāhirī principles. As Ibn Rushd explains,¹¹⁵ the actions and words of the Prophet and the text of the Qur'ān are finite and offer no ruling for all conceivable cases, so that it is unavoidable in legal practice to have recourse to analogy. An important point Ibn Rushd makes is that the obvious meaning of the text (*zāhir*) cannot conflict with a logical reasoning (*qiyās*): when this is the case, a scholar should resort to *ta'wīl*.¹¹⁶ Just like Ibn Rushd accepted the use of *qiyās* in some cases because of the finiteness of the texts as against the infinity of possible actions, so Ibn Maḍā' may have been forced to accept *qiyās* because of the finiteness of the linguistic corpus which precludes testing the acceptability of all individual forms empirically.

3.6 The Meaning of *zāhir* in Ibn Maḍā'

Finally, we should take a look at Ibn Maḍā's use of the term *zāhir* in the *Kitāb al-Radd*. The term in fact occurs several times in the treatise, where its most frequent meaning is 'obvious', for instance when he speaks about the obvious interpretation of someone's statement.¹¹⁷

The term is also used in a grammatical sense for elements present in the surface structure, as against elements that are reconstructed (*muqaddar*) or deleted (*maḥdhūf*, *muḍmar*) and only present in the underlying structure;¹¹⁸ the verb used in this sense is *aẓhara*, which is the opposite of *aḍmara* or *ḥadhafa*.¹¹⁹ The pair *zāhir* and *bāṭin* is used as terms for a verb in the surface and the underlying structure by al-Suhaylī.¹²⁰ Finally, *zāhir* is used in connection with *muḍmar* or *ḍamīr* to denote the difference between overt and covert pronouns.¹²¹ The grammatical use of this term is perfectly in line with current grammatical terminology, and this explains why Ibn Maḍā' could not assign any methodological content to it. In grammatical terminology, *zāhir* has a fixed meaning, namely elements in the

¹¹⁴ Suleiman, *The Arabic grammatical tradition*, pp. 156–161.

¹¹⁵ Fierro, "The legal policies of the Almohad caliphs," p. 245; Dutton, "The introduction to Ibn Rushd's *Bidāyat al-muḥtad*."

¹¹⁶ Fierro, "The legal policies of the Almohad caliphs," p. 145.

¹¹⁷ Ibn Maḍā', *Radd*, p. 77:3, 100:11; *al-aẓhar* 'the most obvious interpretation', *Radd*, pp. 92:5, 93:8, 101:6, 129:7; *aẓhar* 101:14.

¹¹⁸ Ibn Maḍā', *Radd*, pp. 79:10, 79:16, 85:18, 87:10, 95:4, 6, 109:9.

¹¹⁹ Ibn Maḍā', *Radd*, pp. 80:1, 80:12, 81:6, 86:14, 87:4, 122:5; also *ḡahara* as the opposite of *ḡudhifa*, *Radd*, p. 85:5.

¹²⁰ See Baalbaki, "Expanding the *ma'nawī 'awāmil*," p. 33.

¹²¹ Ibn Maḍā', *Radd*, p. 88:4, 5, 6.

surface structure. According to Ibn Maḍā', these can be deleted when the addressee knows what is intended, and this is why he could not very well use the term at the same time in the exegetical sense in which Ibn Ḥazm used it. The Zāhirī sense only resurfaces in the general use of *ẓāhir* as 'the most obvious interpretation'.

4. CONCLUSION

The rediscovery of the manuscript of Ibn Maḍā's *Radd 'alā l-nuḥāt* in the middle of the 20th century came at a propitious moment. For the reformers of Egyptian education at that time, this voice from the past was a powerful boost to the campaign of 'simplification of grammar' (*tabṣiṭ al-naḥw*). To some extent, this enthusiastic annexation of Ibn Maḍā's ideas was certainly justified: like the reformers, Ibn Maḍā' was firmly opposed to the grammarians' tendency to complicate the facts of language by the introduction of ever more intricate arguments. At several places in his treatise, he emphasizes the need to free grammatical instruction to students from the shackles of traditional Arabic grammar. It is doubtful, however, that he would have agreed with the parallel aim of the reformers' campaign, that of the 'simplification of language' (*tabṣiṭ al-luḡha*), which he would probably have seen as a disruption of the continuous transmission of the language of the Arabs, which had been handed down from the earliest speakers to the present time in an unbroken line of transmitters (*tawātur*).

In this paper, the main question has been whether Ibn Maḍā' could be regarded as a Zāhirī. If by that term we mean someone who belongs to a formal school and who regards himself as a member of an organized group, the answer is certainly negative: neither the biographers nor Ibn Maḍā' himself use this term to define his ideas and beliefs. If, however, by Zāhirī we mean someone who opposes subjective interpretation of the revealed text and replaces it by a strict method of concentrating on the 'obvious' meaning, he certainly fitted this description.

In the cultural and political climate of 12th century al-Andalus, Ibn Maḍā' sided with those who felt that divergence of opinions represents a danger to the unity of both state and religion. Within the domain of linguistic thinking, he contributed towards a movement that aimed at replacing this divergence with a firm belief in the unitary truth. If this is the essence of the Zāhirī paradigm, as it was implemented in the policies of the Almohad rulers, there is no doubt that Ibn Maḍā' can be called a Zāhirī grammarian.

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WHICH CURIOSITY? IBN ḤAZM'S SUSPICION OF GRAMMARIANS

Salvador Peña

﴿وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا بِلِسَانٍ قَوْمِهِ لِيُبَيِّنَ لَهُمْ﴾

“Wa-mā arsalnā min rasūlin illā bi-lisāni qawmi-hi” (Qur’ān 14:4)

“For who hath known the mind of the Lord?” (Romans 11:34)

Language and language studies played an outstanding role in the building of perhaps most of the different systems of ideas we normally relate to pre-modern Arabic-Islamic societies. Islamic theology had no alternative but to put language at the very core of its conceptions, given that the Qur’ān presented itself as the textual manifestation of the One God,¹ and it then being possible to characterize the Islamic Holy Book as a logophany.² On the other hand, the development of Law depended largely on linguistic hermeneutics. As a result, language studies received a privileged position in the catalogue of sciences. Besides, some trends of Islamic thinking relied on language as a valuable epistemological means, or even beyond that, considered it a powerful, even supernatural tool in human hands. Although he recognised the necessity of studying the Arabic language, Ibn Ḥazm has traditionally been known as an opponent to at least some part of the native Arabic linguistics, as it was known in the Islamic realm. His attitude towards grammarians has been discussed several times by scholars during the last decades, more than half a century actually.³ The subject is not an easy one, partly because Ibn Ḥazm’s attitude toward speculative linguistics has been repeatedly embedded in different kinds of ideological discourses, as we will see later. My main aim here is to gather

¹ Daniel A. Madigan, *The Qur’ān’s Self-Image: Writing and Authority in Islam’s Scripture*, Princeton 2001.

² Salvador Peña Martín, *Corán, palabra y verdad: Ibn al-Sīd y el humanismo en al-Ándalus*, Madrid 2007.

³ Shawqī Ḍayf, “Madkhal ilā Kitāb al-Radd ilā l-nuḥāt,” Ibn Maḍā’ al-Qurṭubī, *Kitāb al-Radd ilā l-nuḥāt*, ed. Shawqī Ḍayf, Cairo 1982 [first published 1948], pp. 11–67; Kees Versteegh, “History of Eastern Linguistics in the Soviet Union,” *Historiographia Linguistica* 1 (1983), pp. 289–307; Michael G. Carter, “Linguistic science and orthodoxy in conflict: The case of ar-Rummānī,” *Zeitschrift für Geschichte der arabisch-islamischen Wissenschaften* 1 (1984), pp. 212–32; Amelina Ramón Guerrero, *El cordobés Ibn Maḍā’ (1199–1196) y la reforma de la gramática árabe*, Granada 1984.

some data and ideas, and to add a few new hypotheses, that will hopefully be of use to answer the question of whether there ever was a systematic Zāhirite vision of linguistic studies.

LANGUAGE AS A CENTRAL ISSUE

Ghānim al-Makhzūmī (d. 470/1077–8) was an Andalusī *homme de lettres*, contemporary to Ibn Ḥazm (d. 456/1064). Ghānim spent most of his life in Malaga, as a courtly sage working under the service of the Ḥammūdīd caliph Idrīs al-ʿĀlī billāh, who supported literature and philology just as many other rulers during the period of the Party-Kings did.⁴ We know some details of these courtly meetings thanks to the testimony of Ghānim himself, as quoted by Ibn Bassām.⁵ Thus, according to Ghānim, one day the caliph was with his courtiers, all listening to one of those commonly exaggerated odes honouring the caliph. Here follows a short fragment of the poem:

إِذَا ضَاقَتْ بِكَ الدُّنْيَا فَعَرِّجْ نَحْوَ إِدْرِيسَا
إِذَا لَاقَيْتَهُ تَلَقَى رَئِيسًا غَيْرَ مَرُوسَا

Idhā ḍāqat bi-ka l-dunyā fa-ʿarrij naḥwa Idrīsā
Idhā lāqayta-hu talqā raʿīsan gayra marʿūsā

(If the World afflicts you, turn to Idrīs,
If you meet him, you find a real leader.)

After the poem was sung, the caliph showed his discomfort about the sequence *raʿīsan ghayra marʿūsa*, the last words of the above fragment. Was that correct?—Idrīs asked Ghānim. Our man answered quickly. Grammarians, he said, differed on this question, for while most Baṣrans rejected such a construction, al-Akhfash al-Awsaṭ (d. 215/830) and the Kūfans accepted it.

This is but one of the many examples we could gather in support of the idea that language was a prominent subject in medieval Islamic societies, al-Andalus included of course. The fact that a caliph should have been interested in one of the *quaestiones disputatæ* (*masāʾil al-khilāf*) between

⁴ Henri Pérès, *Esplendor de al-Andalus*, Spanish transl. Mercedes García-Arenal, Madrid 1983.

⁵ Ibn Bassām, *Al-Dhakhīra fī maḥāsini ahl al-Jazīra*, ed. Iḥsān ʿAbbās, 4 parts, 8 vols., Beirut 1978, vol. 1, pp. 864ff.

the grammarians of the two early Iraqi groups, as the case is,⁶ can only be understood in the framework of a society in which the Arabic language occupies a central position. This must always be borne in mind, even though it is not always recognised by many modern scholars.⁷

THE LIMITS OF THE STUDY OF LANGUAGE ACCORDING TO IBN ḤAZM

It is obvious that Ibn Ḥazm was well aware of the crucial position of language in his cultural horizon. There is no need to prove that a sage first and foremost devoted to the hermeneutics and application of the holy Islamic texts had no option but to get involved in the study of language, text and discourse. Nonetheless, we say nothing new if we state that Ibn Ḥazm was in some ways contemptuous of certain approaches to language that were current in his time (and afterwards, we must add). In his *Rasā'il* he clearly encourages the study of the Arabic language in its two main areas, grammar and lexicon, but, and this is important, within limits. In his *Risālat al-Talkhīṣ li-wujūh al-takhlīṣ* Ibn Ḥazm argues in support of the study of grammar and lexicon for religious reasons.⁸ He mentions Q 14:4 (*wa-mā arsalnā min rasūlin illā bi-lisāni qawmi-hi li-yubayyina lahum*), and concludes that anyone who has not attained the knowledge of both grammar and lexicon is unable to know the language used by God for his revelations and instructions to mankind. In other words, without grammar and lexicon (including the study of archaic poetry), full knowledge of religion (*dīn*) is not really possible. These ideas could have been expressed by any Muslim medieval grammarian, and probably by a large number of jurists and theologians.

After that, Ibn Ḥazm goes on and recommends a few books as an ideal collection for “the one seeking the knowledge” (*ṭālib al-ilm*), who must get acquainted with the syntactic arrangement (*i'rāb*) of both the Qur'ān and the Sunna. So, according to Ibn Ḥazm, only two handbooks will suffice: al-Zubaydī's *al-Wāḍiḥ* and al-Zajjājī's *al-Jumal*, while the study of Sībawayhi's *Kitāb* or similar thorough treatises is not openly rejected. Similarly, with regard to lexicon Ibn Ḥazm mentions Abū 'Ubayd's *al-Gharīb*

⁶ Abū l-Barakāt al-Anbārī, *Al-Inṣāf fī Masā'il al-khilāf bayn al-naḥwiyyīn al-baṣriyyīn wa-l-kūfyīn*, n.p. n.d.

⁷ Certainly, with brilliant exceptions. See, e.g., Maribel Fierro, *Al-Ándalus: saberes e intercambios culturales*, Barcelona 2001.

⁸ *Rasā'il* 1–4, ed. Iḥsān 'Abbās, Beirut 1983–87, vol. 3, pp. 141–184 (see esp. pp. 162ff.).

al-muṣannaḡ as the indispensable tool, the study of others, such as some collections of poetry, being possible as well.

Ibn Ḥazm deals with the study of grammar and lexicography in his *Risālat Marātib al-ʿulūm*, too.⁹ First, he defines both areas and again recommends introductory books. Then, Ibn Ḥazm reveals part of his feelings towards grammar, denouncing any that seek deep knowledge as it is the result of a fruitless curiosity, condemnable because it consists only of lies that keep people away from the truly important subjects:¹⁰

[...] وأما التعمق في علم النحو ففضول لا منفعة بها [كذا] بل هي مشغلة عن الأوكد ، ومقطعة دون الأوجب والأهم ، وإنما هي تكاذيب فواجه الشغل بما هذه صفتة ؟

[...] *wa-ammā l-taʿammuqu fī ʿilmi l-naḥwi fa-fuḍūlun lā manfaʿata bihā [sic] bal hiya mashghalatun ʿanī l-awkadī, wa-maḡtaʿatun dūna l-awjabī wa-ahammī, wa-innamā hiya takādhību fa-mā wajhu l-shughli bi-mā hādhihi šifatu-hu?*

After which he recommends once more a few books, on lexicon this time, among them al-Zubaydī's *Mukhtaṣar al-ʿAyn* and Abū ʿAlī al-Qālī's *al-Mamdūd wa-l-maḡṣūr wa-l-mahmūz*.

DIFFERENT ATTITUDES TOWARD LINGUISTIC KNOWLEDGE

The last two sages whose names have just been mentioned (al-Zubaydī's twice) are of great interest for our purpose here. Both of them, al-Zubaydī (d. 379/989) and al-Qālī (d. 356/966) worked at the court of ʿAbd al-Raḥmān al-Nāṣir, the first Andalusī Umayyad caliph,¹¹ and both represent—as it were—the official trend of linguistics in al-Andalus at the time, being very well acquainted with each other. Al-Zubaydī produced simplified manuals of the linguistic sciences while al-Qālī offered instruction in philology and lexicon to his very numerous pupils, among them al-Zubaydī himself. One common feature of their books is the absence of any kind of speculative thinking about language. Was it because of this particular trait that their works were so attractive to Ibn Ḥazm? This seems to be the most likely explanation. In any case it is essential to note here that this simplified model of linguistics, sometimes limited to the transmission of data and always devoid of theoretical or meta-theoretical considerations, was not

⁹ Ibid., vol. 4, pp. 59–90 (see esp. pp. 66ff.).

¹⁰ Ibid., vol. 4, p. 66.

¹¹ Maribel Fierro, *ʿAbd al-Raḥman III: The First Cordoban Caliph*, Oxford 2005.

the only way the Andalusī approached the study of language, especially during the centuries to come, when the influence of al-Qālī's tasks started to decline. We may, for instance, remember Ibn Jandal (d. 401/1011) who, in his commentary on Sibawayhi's *Kitāb*,¹² refuted al-Zubaydī and went far beyond the mere transmission of data or the simplified models of preceptive grammar.

On the other hand, we must consider the paradox of al-Qālī's coming to al-Andalus.¹³ Although he had been born in Armenia, he was known as al-Baghdādī, and in fact he had spent more than twenty years in the 'Abbāsīd capital, studying with some of the leading figures in the fields of Prophetic Tradition, grammar and lexicon. Ibn Durustuwayhi (d. 347/958), Ibn Durayd (d. 323/934) and Ibn al-Sarrāj (d. 316/928) were among his teachers.¹⁴ The last name in particular, Ibn al-Sarrāj, would have made us expect that al-Qālī was bound to play a role of some kind in the Andalusī reception of the novelties in linguistics traditionally linked with the so-called school of Baghdad, and thoroughly studied by K. Versteegh.¹⁵ That was not the case, but rather the opposite. As I have already said, al-Qālī was totally uninterested in anything except the compilation and transmission of philological data. In other words, he was a sage concerned only with "transmission" (*riwāya*), and not with "knowledge" (*dirāya*). As a result, the Andalusī reception of the tenth-century CE rationalistic revolution in the field of linguistics received no help from al-Qālī at all.

Who did play that role is not our concern here. Instead, I would like to stress the idea that different approaches to language coexisted in al-Andalus by the time Ibn Ḥazm wrote his works. First of all, we have scholars, such as al-Qālī, who seem to be perfectly satisfied with the faithful compilation of data. To name those implementing al-Qālī's model of linguistic research I propose recycling the French term "logographe" (*logographe*), originally used by R. Blachère several decades ago,¹⁶ and which

¹² Ibn Jandal, *Sharḥ 'uyūn Kitāb Sibawayhi*, ed. 'Abd Rabbih 'Abd al-Laṭīf 'Abd Rabbih, Cairo 1984.

¹³ More details in Salvador Peña Martín, "Abū 'Alī al-Qālī, de Bagdad a Córdoba: transmisión o renovación en la filología árabe," *Entre Oriente y Occidente: ciudades y viajeros en la Edad Media*, ed. Juan Pedro Monferrer Sala and María Dolores Rodríguez Gómez, Granada 2005, pp. 231–242.

¹⁴ 'Abd al-'Alī al-Wadghīrī, *Abū 'Alī al-Qālī wa-atharuhu fī l-dirāsāt al-lughawiyya wa-l-adabīyya bi-l-Andalus*, Rabat 1983; Salvador Peña Martín, "Al-Qālī, Abū 'Alī," *Biblioteca de al-Andalus*, ed. Jorge Lirola Delgado, Almería [forthcoming].

¹⁵ C.H.M. Versteegh, *Greek Elements in Arabic Linguistic Thinking*, Leiden 1977.

¹⁶ Régis Blachère, "Problème de la transfiguration du poète tribal en héros du roman 'courtois' chez les 'logographes' arabes du IIIe/IXe siècle," *Arabica* 8 (1961), pp. 131–136.

suggests an approach restricted to compilation and didactic description and prescription, as was the case with al-Qālī, al-Zubaydī and others.

At any rate, the high epistemological value accorded to etymology by medieval Muslim scholars is itself enough to argue that “logography” was only the most superficial possible approach to language. We may therefore state that there was a second level of linguistic studies, the one practiced by those who put their trust in language as a privileged means of access to knowledge. But still, it was not only that. For instance, apart from following the traces of Stoic grammarians such as the Roman Varro and medieval Christian sages like Isidore of Seville (Isidorus Hispalensis) in the use of etymology, Arabic experts in lexicon developed dictionaries that were complete cosmologies, based on careful arrangements, in such a way that they had to be intended as reflections of the universe. I am thinking of books such as al-Tha‘ālibī’s *Fiqh al-lughā wa-sirr al-‘arabiyya*,¹⁷ which will be referred to again below. These dictionaries were thus devices medieval thinking could indeed be very fond of, as books conceived for reading and memorization, not as mere tools for the retrieving of a particular unit.¹⁸

We may reserve the term *logosophers* for this group of scholars who put their trust in language as a means of knowledge. The idea that language contains wisdom in its own structures and features found continuous manifestations in the field of poetry. Medieval Arabic poets used to create complicated images taken from grammar in order to describe social processes or human attitudes, and based themselves on the underlying principle that language shows patterns actually available in the world. Ibn Ḥazm was not unaware of this principle and applied it as a poet, for instance in the following fragment taken from *Ṭawq al-ḥamāma*,¹⁹ and cited along with its English translation (or rather adaptation?) by A.J. Arberry,²⁰ where the loved one and his or her lover are compared with a noun and its adjective:

فليس لعيني عند غيرك موقف أصرفها حيث انصرفَتْ وكيفما	كأنك ما يحكون من حجر البهت تقلبت كالمنعوت في النحو والنعت
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¹⁷ Al-Tha‘ālibī, *Fiqh al-lughā wa-sirr al-‘arabiyya*, eds. Muṣṭafā al-Saqqā, Ibrāhīm al-Abyārī and ‘Abd al-Ḥafīz Shalabī, n.p. n.d.

¹⁸ Salvador Peña, “Sobre la llamada lexicografía árabe: ‘ilm al-luġa,” *Miscelánea de Estudios Árabes y Hebraicos* 38 i (1988), pp. 195–209.

¹⁹ Ibn Ḥazm, *Ṭawq al-ḥamāma*, ed. Ḥasan Kāmil al-Ṣayrafi, Cairo n.d., p. 12.

²⁰ *The Ring of the Dove: A Treatise on the Art and Practice of Arab Love*, English transl. A.J. Arberry, London 1953, excerpt taken from *The Ring of the Dove*, at *Islamic Philosophy Online* (<http://www.muslimphilosophy.com/hazm/dove/ringdove.html#ch1>).

*Fa-laysa li-'aynī 'inda ghayrika
mawqifun
Uṣarrihu-hā ḥaythu inṣrafat
wa-kayfamā*

*Ka-annaka mā yaḥkūna min ḥajar
al-bahti
taqallabat ka-l-man'ūti fi l-naḥwi
wa-l-na'ti*

*My eye no other place of rest
Discovers, save with thee;
Men say the lodestone is possessed
Of a like property.*

*To right or left it doth pursue
Thy movements up or down,
As adjectives in grammar do
Accord them with their noun.*

On a third, deeper level we find the scholars who tend to recognise an even superior ontological and epistemological value in language. Though not well studied as far as I know, nominalism was a vigorous trend in medieval Islamic linguistic thinking. We can mention the Andalusī Ibn al-Sīd as one of the linguists who conceived names as having greater significance than categories.²¹ The subject had already interested Ibn Ḥazm, who showed himself openly against linguistic essentialism and nominalism in his discussion of the so-called issue of the name and the named (*al-ism wa-l-musammā*).²² George Steiner gave the name *logocrats* (in French, *logocrates*) to the Western contemporary thinkers who, taking such ideas to their final consequences, claimed that language precedes mankind, so human beings, instead of being the users or masters of language, are its servants.²³

Within the framework of medieval Islamic societies, only one more step beyond would decidedly take us to the sphere of the mysticism of language, i.e., any method of getting closer to the Godhead by the study of the powers of letters and words, as in some trends of Jewish mysticism, for instance. Am I going too far? Were there really mystics of language among medieval Muslim grammarians? Did any of them claim that the study of Arabic could get them closer to God? Did they believe that language can open a transcendental door usually closed? Well, I think we have clues enough to at least examine this possibility closely before we reject it as a mere historical fiction.

²¹ I am preparing a study on this subject.

²² Ibn Ḥazm, *Al-Faṣl fi l-mīlāl wa-l-ahwā' wa-l-niḥāl* 1–5, eds. Muḥammad Ibrāhīm Naṣr and 'Abd al-Raḥmān 'Umayra, Beirut, vol. 5, pp. 135–145.

²³ George Steiner, *Los logócratas*, Spanish transl. María Condor, Madrid 2006, esp. p. 16.

THE RENEWAL OF THE TENTH CENTURY CE AND THE NUMINOUS
APPROACHES TO LANGUAGE

Ibn Ḥazm was still a boy, approximately ten years old, when Abū l-Ḥasan al-Rummānī (d. 384/994), one of the last great Baghdadi grammarians who took part in the speculative renewal of linguistic sciences, died. Al-Rummānī was a contemporary of Abū ‘Alī al-Fārisī (d. 377/987) and al-Sirāfī (d. 368/979), and had enjoyed Ibn Durayd’s and Ibn al-Sarrāj’s teachings, as Abū ‘Alī l-Qālī had.²⁴ Al-Rummānī was known as a Mu‘tazilite and was notorious, according to some people’s perspective, for supposedly having mixed grammar with logic. Indeed, the relationship between language and logic in the thought of pre-modern Muslim thinkers has always been a fruitful field of research,²⁵ partly because the influence of Greek philosophy on Islamic sciences was strongly rejected by some traditional sages. Consequently, the possibility that a reaction of this kind could have been among the reasons why Ibn Ḥazm reacted against speculative grammar is not to be neglected.²⁶ In any case, if we look closer at al-Rummānī’s short biography in al-Suyūṭī’s *Bughyat al-wu‘āt*, we find a suggestive portrait by another great sage, Abū Ḥayyān al-Tawḥīdī (d. 414/1023), who, apart from praising his knowledge, intelligence and eloquence, extends his highly positive assessment to al-Rummānī’s personal traits:²⁷

لَمْ يَرِ مِثْلَهُ قَطُّ عِلْمًا بِالنَحْوِ وَغَرَارَةً بِالْكَلَامِ ، وَبَصِيرَةً بِالْمَقَالَاتِ ، وَاسْتِخْرَاجًا لِلْعَوِيصِ ، وَإِيضًا حَاجًا لِلْمَشْكِالِ ،
مَعَ تَأَلُّهِ وَتَوَرُّدِهِ فِي فَصَاحَةٍ وَعِفَافٍ وَنِظَافَةٍ .

*Lam yura mithlu-hu qaṭṭu ‘ilman bi-l-naḥwi wa-ghazāratan bi-l-kalāmi,
wa-baṣṣan bi-maqālāti, wa-stikhrājan li-l-‘awīši, wa-īdāḥan li-l-mushkili, ma‘a
ta‘alluhin wa-tanazzuhin wa-dīnin wa-faṣāḥatin wa-afāfin wa-naẓāfatin.*

(He was unsurpassed as a grammarian, a logician and a deep connoisseur of discourses; exceedingly good in solving any kind of obscurities and difficulties. Moreover, he was a model of self-divinization, self-sublimation

²⁴ On the significance of the grammarians of the so-called school of Baghdad, see Kees Versteegh, “Hellenistic education and the origin of Arabic grammar,” *Progress in Linguistic Historiography*, ed. E.F.K. Koerner, Amsterdam 1980, pp. 333–334.

²⁵ See, e.g., Muhsin Mahdi, “Language and Logic in Classical Islam,” *Logic in Classical Islamic Culture*, ed. G.E. von Grunebaum, Wiesbaden 1970, pp. 51–83.

²⁶ I owe this observation to Prof. P.S. van Koningsveld (personal communication, 2008), whom I thank for it.

²⁷ Jalāl al-Dīn al-Suyūṭī, *Bughyat al-wu‘āt fī ṭabaqāt al-lughawiyyīn wa-l-nuḥāt*, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Beirut 1979, vol. 2, p. 181.

and commitment to God, a champion in eloquence, as well as a chaste and always tidy person)

Beyond the curious information about the chastity (*ʿafāf*) and tidiness (*naẓāfa*) of the Baghdadi grammarian, two terms are, without hesitation, salient in this brief portrait—*ta'alluh* and *tanazzuh*. Both of them seem to refer to efforts made by the human being in order to get away from human determinations and approach the divine nature. On the one hand, the latter term, *tanazzuh*, is the counterpart of *tanzīh* or deanthropomorphism, and is probably to be understood as a process of self-detachment, or rather self-sublimation (without any Marcusean implications, of course), which seems to challenge any kind of apophatism or negative theology. On the other hand, *ta'alluh* leaves little room for an interpretation different to the idea of self-divinization, simply scandalous from some orthodox Islamic viewpoints. It is meaningful, in this ideological context, that a contemporary theologian, considered unorthodox by some, Naṣr Abu Zayd, is very careful to stress that, when he speaks of communication between the Godhead and mankind through the Qur'ān, this happens “without being [God and man] one, I mean without God being humanized neither man being divined”.²⁸

The fact that a grammarian could have been, or was seen as, an extraordinary person or even a saint is not unusual—we all know of sages depicted as virtuous men by their biographers. For instance, the Andalusī Ibn al-Shaykh al-Balawī (d. 604/1208), an expert in lexicon and philology, was believed to have been one of the *abdāl* or ‘substitutes’ (human beings designated by God to carry other people’s sins or sufferings), and his biographers tell us about his remarkable pious actions and miracles.²⁹ Instead of that, the attention-grabbing thing is that the study of language could have been conceived as part of the path of sanctity, one way of becoming a *theios aner*, i.e., a godly or divinized man. Is this what we are facing

²⁸ Naṣr Abu Zayd, “The Qur'an: God and man in communication,” inaugural lecture for the Cleveringa Chair at Leiden University (November 27, 2000), University of Leiden (http://www.let.leidenuniv.nl/forum/01_1/onderzoek/2.htm). In addition, the term *ta'alluh* shows a striking similarity to a concept, introduced by the Christian Fathers of the Church, namely *theopoiēn*, according to Clemens of Alexandria (d. ca. 216), or *theosis*, according to the Pseudo-Dionysius. (On the subject, see Basilio Studer, “Divinización,” *Diccionario patristico de la Antigüedad Cristiana* 1–2, ed. Angelo di Berardino, Spanish transl. A. Ortiz and J.M. Guirau, Salamanca 1991, vol. 2, pp. 621–623 (s.v.).) The parallelism between both concepts, the Christian one and the Islamic one, probably deserves further research. But this is not our task here.

²⁹ Salvador Peña Martín, “Ibn al-Šayj al-Balawī, Yūsuf,” *Biblioteca de al-Andalus: de Ibn Sa'āda a Ibn Wuhayb*, ed. Jorge Lirola Delgado, Almería 2007, pp. 274–290.

when we get closer to some Muslim grammarians, the ones who were far from having their thirst of knowledge quenched with mere logography? Were Ibn Ḥazm's suspicions based upon such ideas?

In addition, we must observe that this tendency to give religion an active part in linguistic studies³⁰ was not exclusive to grammarians, for the practitioners of the science of lexicon seem to have been committed to tasks clearly exceeding strict linguistic research. A few years ago M. Fierro published a biography of al-Murādī (d. 489/1095–6),³¹ the Maghrebi theologian and preacher who served the Almoravids (Murābiṭūn) and who played an important role in the transmission of the previously mentioned al-Thaʿalibī's *Fiqh al-lughā*, a thorough study of Arabic lexicon, ordered according to sophisticated taxonomies and distinctions. The work was a step forward in an enterprise toward which Ibn Fāris (d. 395/1004) had already taken some steps. With both of them the collection of words became very useful for logosophers and perhaps for some deeper researchers as well.

But let us go back to grammar. Another scholar living under the Almoravids, Ibn al-Sīd (d. 521/1127), was a bold admirer of al-Rummānī, whose theory of *taṣrīf* or 'combination(s)', exploring the changes of meaning caused by slight changes in expression, was an important issue for Ibn al-Sīd. Having in mind both the insistent occurrence of the notion of *ḥikma*—easily understandable as God's Wisdom—in the speculative fragments of linguistic works, and the *taṣrīf* theory,³² one cannot but remember Abulafia's *ḥokhmat ha-tseruf*, i.e., the Kabbalistic science of the combination of the letters.³³

THE FOUNDING FATHERS OF LINGUISTIC STUDIES

So far we have been dealing only with scholars who lived and worked in the period between the tenth and twelfth centuries CE. But what can

³⁰ Of course, far beyond the influences brilliantly observed by Lothar Kopf, "Religious influences on medieval Arabic philology," *Studia Islamica* 5 (1956), pp. 33–59.

³¹ Maribel Fierro, "Ibn al-Ḥasan al-Murādī, Abū Bakr," *Biblioteca de al-Andalus: de Ibn al-Dabbāg a Ibn Kurz*, eds. Jorge Lirola Delgado and José Miguel Puerta Vilchez, Almería 2004, pp. 300–302.

³² Peña, *Corán, palabra y verdad*, passim.

³³ J. H. Laenen, *La mística judía: una introducción*, Spanish transl. Xavier Picaza and Amparo Alba, Madrid 2006, p. 143; Gerschom Scholem, *Las grandes tendencias de la mística judía*, Spanish transl. Beatriz Oberländer, Madrid 1996, p. 155.—As far as I know, the connections, if there had been any, between the speculative trends of Arabic linguistic studies and Jewish Kabbalah have not yet been explored.

we say about the founders of linguistic studies? When did the speculative trends, the ones intermingling between spirituality, or even sanctity, and grammar, as well as the approaches close to the mysticism of language, start? We must probably answer that these trends were possibly there from the very beginning of these disciplines, at least if we accord any value to the medieval accounts of the first phase of the sciences of grammar and lexicon.

Over and over again in Suyūṭī's *Bughyat al-wu'āt*, one of the canonical sources for the traditional research in the history of the fields we are interested in, we find meaningful clues, for instance, in the biography of the believed founder of linguistic studies: al-Khalīl b. Aḥmad, who is depicted with the traits of a saint, or at least of an ascetic (*zāhid*):³⁴

[...] وكان من الزهاد في الدنيا، والمنقطعين إلى العلم. ويروى عنه أنه قال: إني لم تكن هذه الطائفة أولياء، فليس لله ولي.

[...] *wa-kāna mina l-zuhhādi fī l-dunyā, wa-lmunqaṭi'ina ilā l-'ilmi. Wa-yurwā 'an-hu anna-hu qā: in lam takun hādhihi l-ṭā'ifa awliyā'a, fa-laysa lillāhi walīyun.*

([...] he retired from this world, being devoted to science. It has been claimed that he once said: If this group were not friends [of God], God has no friends.)

Now, who are the members of 'this group' (*ṭā'ifa*)? Linguists, considered as metaphysicians, as mystics of language? It was L. Massignon,³⁵ as far as I know, who was the first one to point out that there was a connection between Sufi theology, namely what he called the "triphatic" Ḥallājīan theology, and the founding ideas of Baṣran grammarians, especially al-Khalīl. The French scholar was probably right, despite his elliptic, somewhat whimsical way of elaboration. Al-Khalīl's dictionary *Kitāb al-'Ayn* consisted of an exhaustive review of the Arabic lexicon examined according to the points of articulation of the "letters", beginning at the throat and advancing toward the lips; its structure may certainly be better understood if we consider the mystical techniques of breathing (*al-naḥath*, or "le souffle" according to Massignon).³⁶

The legendary origins of the study of Arabic grammar point in the same direction. In fact, one of the easiest expedients we have at hand to prove

³⁴ Al-Suyūṭī, *Bughyat al-wu'āt*, vol. 1, pp. 557–557.

³⁵ Louis Massignon, *Ciencia de la compasión*, Spanish transl. Jesús Moreno Sanz, Madrid 1999, pp. 49–74 (see esp. pp. 52–53).

³⁶ Louis Massignon, *Opera minora* 1–2, ed. Y. Moubarac, Beirut 1963, vol. 2, pp. 552–553.

the links between Arabic linguistics and certain forms of Islamic metaphysics, spirituality or sanctity, is the traditional etymological explanation of the Arabic word for grammar, *naḥw*. According to one of the most wide-spread traditions, the sciences of language were born thanks to the imām ‘Alī b. Abī Ṭālib, who instructed Abū l-Aswad al-Du‘alī: “take this direction” (*unḥu hādhā l-naḥwa*), after having dictated a few chapters of grammar to the latter.³⁷ Quite apart from the weaknesses of the story from a positive perspective, it offers evidence of the phenomenological values accorded to the study of language. It is none but ‘Alī who intervenes and he does so using one of the most prominent Qur’ānic symbols³⁸—the path, leading obviously to God.

HOW TO EXPLAIN IBN ḤAZM’S ATTITUDE TOWARD LINGUISTICS?

Now that we have depicted the problem, putting it in a broad context from the perspective of the history of Arabic linguistics, we may switch to the explanations proposed for Ibn Ḥazm’s suspicion of grammarians, in fact a very popular issue, probably much more popular than could be expected for such a technical and elliptical problem. The reason for this popularity is partly that Ibn Ḥazm’s condemnation of the most speculative trends in linguistic thinking has been used, time after time, as an argument in different theoretical or ideological frameworks. According to a very common narrative, Ibn Ḥazm’s ideas on the subject were implemented by another Andalusī savant, Ibn Maḍā’ (d. 592/1195), in his famous “refutation of grammarians”,³⁹ which was saluted, and even acclaimed, as a proposal for the reform of grammar by Egyptian liberal intellectuals committed to the fight against tradition and the renewal of Arabic patterns of thinking, such as Ṭ. Ḥusayn and S. Ḍayf.⁴⁰ This extremely positive reception of the supposed Zāhirite understanding of grammar in the 20th century was then echoed by, among others, E. García Gómez, who applauded these ideas as a revolution against a fruitless and decadent

³⁷ Shawqī Ḍayf, *al-Madāris al-naḥwīyya*, Cairo 1976, pp. 13ff.

³⁸ See, on this subject, Rafael Ramón Guerrero, “Corán y viaje: el viaje del musulmán hacia la Verdad,” *El Corán ayer y hoy: perspectivas actuales sobre el islam (estudios en honor del profesor Julio Cortés)*, eds. Miguel Hernando de Larramendi and Salvador Peña Martín, Córdoba 2008, pp. 19–29.

³⁹ Ibn Maḍā’ al-Qurṭubī, *Al-Radd ‘alā l-nuḥāt*, ed. Shawqī Ḍayf, Cairo 1982.

⁴⁰ Ḍayf, *Al-Madāris al-naḥwīyya*, pp. 304–306.

trend, in an article published in one of the leading Spanish newspapers!⁴¹ (This is probably to be understood within the framework of an old trend followed by some Spanish scholars interested in the history of al-Andalus, who claimed that Andalusī savants managed to give expression to a sort of Hispanic *Volksgeist*, so to speak. This trend is still very fond of Ibn Ḥazm, as an outstanding figure of the Spanish factor in Andalusī thinking).⁴² Nevertheless, the set of ideas held by both Ibn Ḥazm and Ibn Maḍā' were not in fact the grounds for a new paradigm for the study of grammar, as G. Bohas conclusively proved.⁴³ If so, how should these ideas be labelled? They were certainly technical guidelines for a model of sacred hermeneutics characterised by its lack of confidence in human reason, a literalist model of interpretation, the only one possible given the limitations the human being always has to take into account.⁴⁴ It is, then, a purely religious problem that we are discussing here. This is fairly recognised by E. W. Said in his unexpected contribution to our issue.⁴⁵ Nonetheless, his extremely confusing ideas do not offer a great help, for they depend on an apparently quick reading of the book R. Arnaldez devoted to Ibn Ḥazm, still the standard work on the ideas of the latter about language.⁴⁶ For while Said stresses the importance accorded to the study of the imperative (*amr*) as the founding divine act of speech,⁴⁷ he implies that Ibn Ḥazm and Ibn Jinnī, the Iraqi grammarian about whose ideas I will say something later, both lived in Cordoba and shared the same principles and ideals. In contrast, it could be easily maintained that Ibn Jinnī was one of the leading grammarians of the tendency Ibn Ḥazm stood against, namely the speculative approach to language. Arnaldez was much more helpful himself when he characterised the whole of Ibn Ḥazm's ideas by

⁴¹ Emilio García Gómez, "La gramática y la Giralda," *ABC* (23/11/1947).

⁴² See, for instance, Jaime Sánchez Ratia, "Ibn Hazm al-Andalusí, o el riguroso anhelo del absoluto," *Jábega* 97 (2008), pp. 21–29.

⁴³ Georges Bohas, "Le rasoir d'Occam et la tradition grammaticale arabe," *Arabica* 48 (2001), pp. 1–19.

⁴⁴ Salvador Peña Martín, "Gramática y hermenéutica bajo los almohades: Ibn Jarūf y los testimonios tardíos," *Al-Qanṭara* 46 (2005), pp. 371–380.

⁴⁵ Edward W. Said, *El mundo, el texto y el crítico*, Spanish transl. Ricardo García Pérez, Barcelona 2004, pp. 55ff.

⁴⁶ Roger Arnaldez, *Grammaire et théologie chez Ibn Ḥazm de Cordoue: essai sur la structure et les conditions de la pensée musulmane*, Paris 1956.

⁴⁷ The saliency of the concept of divine Command (*amr*) in Ibn Ḥazm's system is shared by the Almohad Maḥdī, Muḥammad Ibn Tūmart, as it is shown once and again in his *A'azz mā yuṭlab*, ed. 'Abd al-Ghanī Abū l-'Azam, Rabat 1997.

stating that the latter “a lutté de toutes ses forces contre la concupiscence de l'esprit”,⁴⁸ an idea to be stressed and borne in mind, certainly.

GRAMMAR (AND LEXICOLOGY) AS LINGUISTIC METAPHYSICS

Summing up, I have tried to gather a number of elements and questions, from which an explanation of Ibn Ḥazm's partly negative attitude to linguistic studies could be developed. If we restrict ourselves to his declaration against some deeper degrees of curiosity, and especially if we assess it having in mind Ibn Maḍā's refutation of grammarians,⁴⁹ we may easily be tempted to conclude that Ibn Ḥazm was opposed to the human striving for knowledge. Why was that? Why did he apparently stand away from the Islamic humanistic trend?

The fact that at least some of the medieval Muslim scholars devoted to the study of language were committed to a philosophical or metaphysical quest seems to be beyond doubt. Many other examples of the relationship between linguistics and spirituality might have been mentioned. L. Massignon provides a number of suggestions, among them Ibn Jinnī's theory of “the great etymology” (*al-ishtiqāq al-kabīr*), studied by K. Versteegh,⁵⁰ and which we may consider not far from the Kabbalistic “wisdom of the combination of the letters,” previously mentioned. The same fundamentals produced dictionaries such as Ibn al-Sīd's *al-Muthallath*,⁵¹ a thorough research on how different meanings are expressed by means of the change of just one of the three vowels in the same position within the word.

Ibn Ḥazm was no stranger to the realm of symbols, at least on a literary level. For his treaty on love and lovers, he chose a title, *ṭawq al-ḥamāma*, deeply rooted in the spiritual transcultural *imaginaire*, though still in need of a contemporary study. The symbol made an early appearance in Arabic literature thanks to Ibn al-Muqaffa' and his version of *Kalīla wa-Dimna*,⁵² left traces in *One Thousand and One Nights* (the so-called tale

⁴⁸ Ibid., p. 320.

⁴⁹ Ibn Maḍā', *Kitāb al-Radd 'alā l-nuḥāt*.—See also the contribution of Kees Versteegh to this volume.

⁵⁰ Kees Versteegh, “La ‘grande étymologie’ d'Ibn Jinnī,” *La linguistique fantastique*, eds. Sylvain Aroux, Jean-Claude Chevalier, Nicole Jacques-Chaquin and Christianne Machello-Nizia, Paris 1985, pp. 44–50.

⁵¹ Ibn al-Sīd, *al-Muthallath*, ed. by Ṣalāḥ Mahdī 'Alī al-Farṭūsī, Baghdad 1981.

⁵² 'Abd Allāh Ibn al-Muqaffa', *Kalīla wa-Dimna*, ed. Muṣṭafā Luṭfī al-Manfalūṭī, Beirut n.d., pp. 227ff. (“Bābu l-ḥamāmāti l-muṭawwaqati”).

of Tāj al-Mulūk and the princess Dunyā),⁵³ and it was revaluated by the Ikhwān al-Ṣafā'.⁵⁴ Later on, the intercultural symbol of the turtledove was enriched in *Siqṭ al-zand*, by Abū l-'Alā' al-Ma'arri,⁵⁵ a contemporary of Ibn Ḥazm, but apparently far removed from him ideologically.

And Ibn Ḥazm was certainly aware of the essentialist approaches to language, as becomes clear by his disapproval of certain theories on the essential values of words by themselves, in *al-Faṣl*, as we saw before. His strategy of *reductio ad absurdum* of these theories (the word for poison does not poison by itself...) probably derives from the same irreducible principles that lead him to his suspicion of grammarians. What were these principles, strong enough to make Ibn Ḥazm, the great sage, attack curiosity? I think that they have to do with the very core of his religious beliefs. First, the need of no trespassing beyond the limits explicitly stated for the seekers of knowledge, and in second place, the restriction to traditional models, for it was a *retour aux sources* that he fought for. Let us remember at this point another contemporary contribution on Ibn Ḥazm's message, delivered once more in a rather controversial context. In his openly confessional defence of Sufism as the more authentic manifestation of Islam, T.J. Winter argues that Ibn Ḥazm, as a Zāhirite, and Ibn Taymiyya, as a Ḥanbalite, are the two most conspicuous Muslim scholars rejecting any kind of innovation (*bid'a*).⁵⁶ This could be one of the keys we are looking for. According to this, Ibn Ḥazm would have rejected any kind of linguistic speculation beyond the instrumental use of grammatical and semantic rules in order to merely understand God's commands. On the other hand, the paradigm covering notions like self-divinization (*ta'alluh*) and self-sublimation (*tanazzuh*), the intent to somehow communicate with the Godhead through language, could easily be viewed as contrary to the absolute otherness of God. Besides the suspicion of innovation, was the very unity of God (*tawḥīd*) what Ibn Ḥazm perceived as being questioned?

⁵³ See Ulrich Marzolph and Richard van Leeuwen, *The Arabian Nights Encyclopaedia*, Santa Barbara 2004, pp. 406–8.

⁵⁴ Ikhwān al-Ṣafā', *Rasā'il*, ed. Buṭrus al-Bustānī, Beirut 1983.

⁵⁵ *Shurūḥ Siqṭ al-zand*, eds. Muṣṭafā al-Saqqā, 'Abd al-Salām Muḥammad Hārūn, 'Abd al-Rahīm Maḥmūd, Ibrāhīm al-Abyārī, Ḥamid 'Abd al-Majid and Ṭāhā Ḥusayn, Cairo n.d., passim.

⁵⁶ T.J. Winter, "La pobreza del fanatismo," *El islam, el fundamentalismo y la traición al islam tradicional*, ed. Joseph E.B. Lumbard, Spanish transl. Esteve Serra, Palma de Mallorca 2007, pp. 435–452 (see p. 445).

At any rate, this puzzling double dilemma, first, between a negative theology and the metaphysics of language, and, secondly, between the striving for knowledge and the limits of science, had different implications. An anthropology based on the assumption that the human being shares the capacity of language with God may actually lead to trust in a wider human capability toward the hermeneutics of the sacred texts. But, on the other hand, accepting the implications of self-divinization (*ta'alluh*) would force a series of theological changes, and maybe would enable individuals claiming for themselves charismatic aptitudes to aspire to an indisputable authority in the area of exegesis.

Ibn Ḥazm did not propose a new model of grammar. We cannot actually speak of a Ṣāhirite grammar for there was no change of paradigm, there was no renewal of principles. Instead, what we are facing is a scholar who always tried to restrain his own intellectual potential, as if he acted under a 'speed limit', if I may put it this way.

A final question: was Ibn Ḥazm's intellectual drama the realization that blind faith in human reason could eventually make reason untrustworthy?

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PART IV

ART AND AESTHETICS

ART AND AESTHETICS IN THE WORK OF IBN ḤAZM OF CORDOBA¹

José Miguel Puerta Vilchez

1. THE ARTS IN IBN ḤAZM'S THOUGHT

At various points in his very extensive written output Ibn Ḥazm sets out his classification of human knowledge, with specific references to the different artistic activities. In *al-Taqrīb li-ḥadd al-manṭiq*, which is an extremely important treatise in the history of Andalusī thought, inasmuch as it provides an arabization and practical adaptation, as well as a presentation, of the logic of Aristotle, he gives a simple and direct list of “the sciences which are usual among people of today,” bringing together the Islamic sciences and those of the Ancients, the Greeks. Ibn Ḥazm is aware of the difference of the approach he offers to the grading of the sciences, compared to other scholars: “this hierarchy is not the same as that which we find in the earlier scholars, for we are dealing with what is useful for the people of every age, to satisfy their wish to understand the sciences.”² His approach to the classification of the sciences, therefore, seeks to be practical rather than purely speculative. He sets out twelve sciences, plus two additional ones: *Qurʾān*, *ḥadīth*, *al-madhāhib* (theological doctrines), legal opinions (*fuṭyā*) or law, logic, grammar, lexicography, poetry, history (*ʿilm al-khabar*), medicine, arithmetic and geometry, and astronomy. The two added sciences are rhetoric and the interpretation of dreams (*ʿilm al-ʿibāra*).³ He thus includes logic together with the other Islamic sciences, as the *falāsifa* did: for him, logic is common to all nations and peoples,

¹ This is a translation, by Jeremy Rogers, of a chapter of José Miguel Puerta Vilchez' *Historia del pensamiento estético árabe. Al-Andalus y la estética árabe clásica*, Madrid 1997. Wherever necessary the editors of the volume have added comments indicated with a double asterisk **.—The following is an analysis of the ideas of art and beauty expounded by Ibn Ḥazm, based on his Zāhiri reading of the sacred Islamic texts, as well as his ethics, eroticism and poetry. This study was published in my *Historia del pensamiento estético árabe. Al-Andalus y la estética árabe clásica* (Madrid 1997), and I now consolidate and revise it, with a few minor formal changes at the request of Maribel Fierro, to whom I am grateful for her interest and her kind invitation to collaborate in this work, devoted to the author of *The Ring of the Dove*.

² Ibn Ḥazm, “*al-Taqrīb li-ḥadd al-manṭiq*,” p. 348.

³ *ʿilm al-ʿibāra* deals with “the things recounted about the Messenger of God and about the distinguished practitioners of this science” (Ibn Ḥazm, “*Taqrīb*,” p. 350).

its value is universal. As far as the arts are concerned, of the sciences of language there only appears poetry. Ibn Ḥazm leaves out many sciences due, perhaps, to the nature of the *Taqrīb*, which is an popularizing treatise whose basic aim is to clarify the value of logic, useful for any type of *‘ilm*. But what is the concept of *‘ilm* proposed by Ibn Ḥazm? In the first place he starts from the usual meaning of the verb *‘alima*, to know, and concludes that everything that can be known is *‘ilm*. This broad, and at the same time ambiguous, view is narrowed down by excluding from it anything which the human being cannot know, being beyond the reach of reason or the senses (magic, the occult, the nature of the divinity, etc.). *Al-‘ilm* would thus be human knowledge as grasped by the senses and the intellect; it would not include the occult sciences, magic or mysticism, which are also excluded by Ibn Ḥazm’s contemporary Ibn ‘Abd al-Barr and the Andalusī *falāsifa*; they do appear, however, in some Eastern classifications,⁴ or in that of Ibn Khaldūn, where they coexist with his rationalist theories.⁵ However, for Ibn Ḥazm knowledge can also be extended to the innumerable series of techniques or arts (*ṣinā‘āt*) necessary for the day-to-day life of mankind:

All that which can be known (*‘ulima*) is science (*‘ilm*), and that includes trade, tailoring, textile art, navigation, agriculture, arboriculture, architecture (*al-binā’*) and others. They are specific sciences of this world, and people need them to live.⁶

The crafts belong to *‘ilm*. They are a kind of continuation of knowledge, or rather its technical and practical application, and retain at least an element of intellectual work, since they are distinguishing signs of humanity’s specific higher level compared to other species: “Almighty God honoured and favoured humankind above the rest of His Creation, and distinguished it from the other creatures with the ability to master the sciences and the crafts (*al-‘ulūm wa-l-ṣinā‘āt*).”⁷

This is precisely how Ibn Ḥazm opens his *Risālat Marātib al-‘ulūm*, going on to make a direct criticism of those so-called sciences which for him do not enter into the concept of *‘ilm*, and which over time, he says, have fallen into disuse: talismans, magic, or certain types of music. For Ibn Ḥazm the principal science is that which leads man “to Salvation,” to the

⁴ Ibn ‘Abd al-Barr, *Jāmi‘ bayān al-‘ilm wa-faḍlihi*, Beirut 1978, vol. 2, p. 46.

⁵ Ibn Khaldūn, *al-Muqaddima*, Beirut 1960, Part Four.

⁶ Ibn Ḥazm, “Marātib al-‘ulūm,” p. 81.

⁷ Ibn Ḥazm, “Marātib,” p. 61.

“eternal dwelling-place,” to “triumph over what is mortal:” in other words, the *sharīʿa*, or Islamic law. The line should be drawn here between his proposal, as thoroughly Islamic as it could be, and the Platonic view, as Iḥsān ‘Abbās does; at least because the ultimate science and the last stage of learning set out in the *Republic* is dialectic, whose objective is Ideas, while in the case of Ibn Ḥazm it is the *sharīʿa*, whose aim is to learn the Revelation and the divine commandments.

The fact that in his treatise on the classification of sciences Ibn Ḥazm produces an order similar in form to the medieval *Trivium* and *Quadrivium*, which in turn evoke Plato’s classification, should not confuse us about their different philosophical perspectives. Plato seeks a theoretical spiritual formation, capable of detaching the philosopher from the falsity of the material world, to understand Truth and do Good, which are in reality outside this world, in the realm of Ideas.⁸ The philosophical premises of Ibn Ḥazm are very different from those of Plato or Fārābī: the noblest knowledge is knowledge of the Revelation through its texts, and there is no world of ideas outside the world known to the senses; and, although Ibn Ḥazm’s classification is not Aristotelian either, we are surprised that several scholars attribute Neo-Platonist influences to him, supposedly through the *Rasā’il* of the Brethren of Purity, already familiar in al-Andalus, for the Cordovan *faqīh* flatly rejected the occult sciences and the emanationist theories characteristic of Neo-Platonism.⁹

In any case, Ibn Ḥazm’s scheme has great logic and internal consistency in its general thinking, and although in his *Risālāt Marātib al-ʿulūm* he

⁸ In the *Republic* (509dff.), Plato suggests that mathematics, including arithmetic, geometry, stereometry, astronomy and musical harmony are of maximum benefit to the supreme discipline of dialectics, although they are still within the field of images and not of Truth. Poetry and the mimetic arts are far inferior and even contemptible, for they imitate the world, which is another imitation of the realm of Ideas, and are at two removes from Truth.

⁹ M. Cruz Hernández insists on the Neo-Platonist influence on Ibn Ḥazm’s classification of the sciences, through the *Encyclopaedia* of the Brethren of Purity, and its greater similarity to the classifications of the Muʿtazilis al-Nazzām and Dhū l-Nūn al-Miṣrī **[sic]**, than to that of Aristotle, or the interpretations of the latter by Fārābī and Ibn Sīnā (M. Cruz Hernández, “El neoplatonismo de Ibn Ḥazm de Córdoba,” *Miscelánea de Estudios Arabes y Hebraicos* 11 (1962), p. 124). We shall return to Ibn Ḥazm’s “Neoplatonism” when we deal with his ideas on beauty. M. Asín Palacios, “Un código inexplorado del cordobés Ibn Ḥazm,” *Al-Andalus* 2 (1934), p. 46, clearly inclines towards the idea that Ibn Ḥazm’s classification is theological and moralistic rather than logical and philosophical, and does not seek to order human knowledge systematically according to the degree of abstraction with which the intellect studies reality within each category, as is the case of Aristotle, Ibn Sīnā or Thomas Aquinas.

orders the sciences differently than in the *Taqrīb*, based this time on the practical process of learning, basically they are the same sciences. Now he talks about seven sciences: three are specific to each nation (religion, history and lexicography) and four are universal (astrology, arithmetic, medicine¹⁰ and philosophy), which are the sciences of the Ancients. On the other hand, Ibn Ḥazm excludes from his classification as sciences not only alchemy, but also magic and talismans, which were so classified by Ibn Sīnā or the Brethren of Purity, and mysticism, which is present in the epistle attributed to al-Tawḥīdī, and music. This was not because they conflict with religion, but because:

knowledge of these sciences has disappeared; this is what is happening with music (*ʿilm al-musīqā*) and its three classes, which the ancients described as follows: that which gives courage to cowards, or *līwī*, that which makes the greedy generous, or *ṭanīnī*, and that which harmonizes and disperses souls. Today, in general, there is no such thing in the world and know, may God make you happy with His goodness, that if you see anyone invoking the science of music and harmonies, or the science of talismans, that he is a lying charlatan . . .¹¹

The same holds true of alchemy, which has never existed as a real science: it is impossible to change the essence of one thing into another; and with it money is made from deceiving people, says Ibn Ḥazm. These are sciences whose foundations and methods cannot be verified, because they are beyond the powers of the human being, which are the senses and reason. This kind of “trick” attributed to magic or music has nothing to do with science. Therefore, Ibn Ḥazm does not include music in his classification of sciences, nor does he mention it when referring to Mathematics, as the *falāsifa* do. Nor does he mention poetry within Logic, but separately, as an independent subject, valid especially for the sciences of language. The criteria which justify this ordering of knowledge are thus the possibility of real knowledge offered by various subjects and their direct practical usefulness, and always with the sights set on the path of salvation.

¹⁰ Medicine of the soul and body.

¹¹ Ibn Ḥazm, “Marātīb,” pp. 61–62. The three types of music alluded to appear, according to Iḥsān ‘Abbās, and as noted by Asín Palacios, “Un código inexplorado,” p. 47, in *Maḥāṭib al-ʿulūm* by al-Khʿārazmī (10th c.), Cairo 1342 H., p. 140. Fārābī also speaks of the influence of music on the receiver: it relaxes him, excites his imagination, creates images in his soul and lets him relive passions and break free from them; cf. Antonio Martín Moreno, *Historia de la música andaluza*, Granada 1985, p. 73, cf. Fārābī, *Kitāb al-Musīqā al-kabīr*, Cairo 1967, pp. 1183–1187; music produces the same symptoms and results that Aristotle claimed for poetry.

In order to gain Ibn Ḥazm's approval, the arts must conform to this plan, which eliminates the division between religious and philosophical knowledge, and which places them all on a scale going from the practical trades up to the *sharī'a*.

According to Ibn Ḥazm, the original and final source of *al-ʿulūm wa-l-ṣināʾāt*, the sciences and the arts, is—as we shall see later (2.4.1)—in God, who endowed the first human being with certain basic ideas and the ability to learn; for humans cannot learn or invent from scratch. Once he has established the divine origin of human knowledge, Ibn Ḥazm proposes a pedagogical route to be followed by anyone wishing to make progress in knowledge: first, learning to talk for the first five years, then writing, where he stipulates that the learner should not waste his time on exquisite calligraphy:

As to exaggerating the beauty of calligraphy (*al-tazayyud fī ḥusn al-khaṭṭ*), it is not a virtue but it is surely propaganda in favour of power (*al-sulṭān*) and is a waste of time; either by oppressing people, or by scribbling pointless marks on pieces of paper (*fī taswīd al-qarāʾīs bi-tawāqīʿ baʿida min al-ḥaqq*), full of falsehood and futility. Thus, he squanders his time unnecessarily and his work is ruined, only to repent later when repentance no longer avails him. It is like the man who has much musk and does not use it to perfume himself and bring pleasure to souls with its aroma and fragrance, but goes and sprinkles it on the road, wasting it to no avail.¹²

Then, having rejected calligraphy as an art, the young man will practice reading in order to access the contents of any book that falls into his hands, and will memorize the Qurʾān. Then he will train himself in grammar and lexicography. Classical Arabic poetry will be studied in support of grammar and language, but he will avoid erotic poems (*al-ghazāl wa-l-raqīq*), because they incite passion, lies, the loss of manhood, debauchery; and poems about bandits and warriors, for they lead to falsehood and straying from the Afterlife; the same applies to *qaṣīdas* on exile in the desert, ruins, etc., which may make the reader become estranged and lose his way. The worst of all are satirical poems, which are devoted to highlighting evils and defects. There are two positive types of poetry, laudatory and elegy, but in excess they can also lead to lies and therefore to evil. Ibn Ḥazm immediately acknowledges that he is also a poet and an expert in poetic techniques, but insists that what he has proposed before is the most advisable, in order not to stray from the right path.

¹² Ibn Ḥazm, "Marātib," p. 65.

After reaching the highest level in the sciences of language, the study of mathematics and Euclidian geometry will be excellent, because it is a useful and elevated science which investigates the movements and distances between the stars and leads one to recognize “the finitude of the bodies and the traces of the Creator’s work (*ṣan’at al-bāri*)” in the world, in the face of which he will have no choice but to look to the Architect (*al-ṣāni*).¹³ But geometry also has another practical dimension: measuring distances, and it therefore applies to “conducting water, lifting weights, architecture (*handasat al-binā*)” or the construction of scientific instruments.”¹⁴

Then, after launching a harsh indictment of astrology, clearly differentiating it from astronomy, he mentions logic and, in contrast to the Aristotelian system, he puts physics after other more abstract sciences like mathematics. His moral intent reappears as he justifies the study of history:

One should not forget knowledge of other nations which came before, nor reading ancient and modern history to observe the passing of kingdoms, the ruin of densely-populated countries, the disappearance of the famous al-Madā’in [Ctesiphon], which for so long was fortified, with its buildings firmly constructed, and whence the people have gone away. The world has changed for them: the kings who had oppressed, murdered, accumulated wealth and armies, and made preparations to endure and stay in power, are no longer there; all trace of them is lost, and their children have disappeared...¹⁵

Knowledge of all this is instructive in order to understand the transience of this world and to prepare for the world promised by the Revelation. He classifies history by religions, valuing them according to whether there is more or less information about them; and he flatly rejects, as did Ibn Khaldūn later, the myths and legends of past cultures of which there is no clear evidence. The best known history, for him, is that of Islam, followed by Judaism and then that of other peoples. The fundamental science, and one that gives meaning and purpose to the others, is definitely theology,

¹³ Ibn Ḥazm, “Marātib,” p. 69. A similar idea of Ibn Ḥazm on the perfection of the Creator’s work, but referring to astronomy, “Risālāt al-Tawqīf ‘alā shāri’ al-najāt,” *Rasā’il Ibn Ḥazm*, vol. 3, p. 132.

¹⁴ In “Risālāt al-Tawqīf,” p. 239, Ibn Ḥazm defines geometry in an almost identical way: “Its principle is the understanding of proportional relations between lines and shapes (*nisbat al-khuṭūt wa-l-ashkāl ba’dhuhā min ba’d*). This knowledge has two applications: to understand the form of the heavenly spheres and the earth, and to lift weights, to build (*al-binā*), to measure land and the like, although this is only of value in this lower world...”

¹⁵ Ibn Ḥazm, “Marātib,” p. 72.

in order to know whether or not the world was created, to learn the truth of the prophetic mission, and so on. He lists the different parts of theology, always mindful that the true religion is Islam, and gives moral advice against the dangers of hubris in the study of science: for, in the face of the annihilation of all creation, there is no reason for the scholar's vanity; besides, his knowledge also has its germ in God, who created it thus.

He concludes with a sort of appendix in which he briefly reviews the foundations of the sciences he has outlined,¹⁶ and emphasizes the relationship and relative value of each of them compared to the others, including the practical arts cited above, concluding with a comparison to illustrate his general approach in this area:

If an individual cannot cover all the sciences, he should nevertheless take something from each of them, however little; and people will help each other to achieve what is necessary, in the same way that they come together to build a house, which needs a mason (*bannā'*), carriers to move stones and clay, plasterers (*ṣunnā' al-qarmad*), carpenters (*qaṭṭā' l-khashab*) and manufacturers of doors and nails (*ṣunnā' al-abwāb wa-l-masāmīr*) to complete the building. The same thing happens in agriculture, where people must cooperate with tools and labour to finish the job. The same cooperation is required to attain salvation and to reach the eternal abode.¹⁷

All efforts which are properly focused are valid, and therefore, according to the scholar from Cordoba, one must avoid idleness and devote the time to useful occupations for oneself and for the community; to support this idea, he quotes his teacher Ibn al-Ḥasan (Ibn al-Kattānī):

It is a marvel, indeed, that any man could pass his life in this world without giving any aid to his fellows. Do you not see how the farmer grows for him, the baker kneads bread for him, the weaver weaves for him, the tailor sews for him, the barber shaves him and the mason builds for him—all these

¹⁶ "*Hādhihi l-aḡānīn*," these disciplines, "once and still known as *al-ilm wa-l-ulūm*" (Ibn Ḥazm, "Marātīb," p. 81). Other works also reveal the order of the sciences according to Ibn Ḥazm, especially in his "*Risālat al-Tawqīf*," pp. 131–140, where he speaks of sciences of the Ancients (philosophy and logic, arithmetic, geometry, astronomy, medicine) and religious sciences, which are greater, but not opposed to the former. In the *Fīṣal*, where there is no methodical division, the topics are grouped, according to Asín Palacios, into theological and metaphysical, physical or cosmological and anthropological or psychological (Asín Palacios, *Abenházam de Córdoba y su historia crítica de las ideas religiosas*, Madrid 1984, vol. 2, pp. 66ff.). In the *Risāla fī faḍl al-Andalus*, as Salvador Gómez Nogales notes, a list of sciences is also given when discussing the various scholars, summarized as follows: Qur'ān, *ḥadīths*, law, lexicography, philology, poetry, history, medicine, philosophy, mathematics, theology, the metrics of great poets and artistic prose ("Teoría y clasificación de la ciencia según Ibn Ḥazm," *Al-Mulk* 3 (Cordoba 1963), p. 76).

¹⁷ Ibn Ḥazm, "Marātīb," p. 83.

other people busying themselves in things that are useful and necessary for him? How, then, can he not be ashamed of needing the entire world, while he gives no help to anyone?¹⁸

Nor do we encounter in Ibn Ḥazm's classifications of wisdom a concept of art similar to our own: rather we find a series of manual works, side by side with other intellectual pursuits, whose practical function within society have their importance in the fundamental task of Salvation. The rest, be they calligraphy, poetry, architecture or any other activity, are to be condemned in so far as they side-track the human being from this path, or lead him into the pursuit of trivia. Music, as intellectual knowledge, has already disappeared, and there is only idle chatter about the subject. Any such thing as artistic beauty through these activities is nothing more than a vain desire or a need for mankind to perpetuate himself and to show his power. Ibn Ḥazm would have been delighted to sign the words addressed by the *qāḍī* Mundhir b. Sa'īd to the Caliph 'Abd al-Raḥmān III concerning his opulent palace of Madīnat al-Zahrā', for the ascetic consciousness of Islam was still alive in the epistemological project of Ibn Ḥazm. It was focused, ultimately, on the recasting of the theological sciences, based on a literal meaning of Revelation; and the rest of knowledge on the basis of Aristotelian logic and common sense, carefully watching to ensure that the latter did not interfere the great human duty of obtaining clear knowledge of the divine word and its practical application in society.

2. REVELATION, MORALITY AND ART IN THE WORKS OF IBN ḤAZM

2.1 *The Divine Origin of the Arts and Their Transmission by Man*

Ibn Ḥazm's great contribution to Islamic thought consisted in clearly defining the domain of reason, vis-à-vis the domain of the Revelation, restricting the latter to the sacred texts and leaving everything which they do not make explicit as the responsibility of intellectual effort. As has been said before, Ibn Ḥazm takes to its ultimate consequences the Islamic idea that the Qur'ān is *rational*.¹⁹ In his view, there are many things which we cannot achieve through our own intellect and that we will never be able to explain, such as the rules revealed by God in his *shar'ī'a*. This Revealed Law is like the world, in respect of order and perfection. God created the

¹⁸ Ibid., pp. 83–84; from Asín Palacios, "Un código inexplorado," p. 54.

¹⁹ Roger Arnaldez, *Grammaire et théologie chez Ibn Ḥazm de Cordoue*, Paris 1981, p. 17.

world “harmoniously” and in the best possible form (*fi aḥsan taqwīm*). The role of reason consists of appreciating this perfect harmonic form and of learning the natural characteristics that God has engraved in all things, as well as the relationships between them.²⁰ This is a similar attitude to that which must be observed before the revealed law: we must take it as perfect and definitive. Now, our only knowledge of this law comes from the text of the Revelation: “nothing that has no [revealed] text has anything to do with the Revelation or its rulings”. For Ibn Ḥazm, the textual basis of the Revelation is limited to the Qurʾān, the *Sunna*, the *ijmāʿ* or *consensus* and *dalīl* or direct reference, in that order. Logical analogy, or *qiyās* is systematically rejected, and the *Sunna* and the *consensus* are restricted to the very obvious and certain. These premises, which in Ibn Ḥazm are axiomatic, are those which guide all his arguments and it is to them, therefore, that he refers concerning the theme of creation and the arts in his work.

In the letter of rebuttal that he directed to the famous Jewish politician and intellectual from Granada, Samuel Ibn al-Naghṛīla, he offers a clear definition of the concept of divine creation, which clearly concurs with a Qurʾānic idea of creation very widespread in Islam:

Divine creation (*al-khalq*) is invention (*al-ikhtirāʿ*), innovation (*al-ibdāʿ*), and the bringing of a thing from non-being into being; in other words, from nothing into existence. The divine decree (*al-taqdīr*) consists in the ordering and perfection of things (*al-tartīb wa-iḥkām al-ashyāʾ*) after they come into existence. These ideas are known only by those who glorify Almighty God and whose intentions are raised above the foul corruption and baseness of ordinary life, seeking to find the virtue and truths which lead to the knowledge of Almighty God and his Messenger . . .²¹

So what is left for mankind to do, faced with God’s perfect and absolute ability to create? Are his actions predetermined? This problem occupied a great part of classical Islamic thinking, and Ibn Ḥazm came up with a particular solution, bringing into play his theory of language, knowledge, and the arts. For Ibn Ḥazm, God created the natural structure that we know and, within its limits, mankind may act with total freedom. Mankind is

²⁰ Al-Jābirī, *Bunyat al-ʿaql al-ʿarabī*, Casablanca 1986, pp. 529–530.

²¹ Ibn Ḥazm, “Risāla fi l-radd ʿalā Ibn al-Naghṛīla,” in *Rasāʾil Ibn Ḥazm*, ed. Iḥsān ʿAbbās, Beirut 1981, vol. 3, p. 48; cf. also idem, “Tawq,” ed. Iḥsān ʿAbbās, Beirut 1981, in *Rasāʾil Ibn Ḥazm*, vol. 1, p. 134. **Whether the addressee of this epistle really is Ibn al-Naghṛīla is much disputed in scholarship. See for example the contribution of Maribel Fierro to this volume.**

free, but not completely, for man is a prisoner of the laws of nature. Since the creation God has not been intervening continuously at every instant and moment as proposed by the Ash'arites, but He has left the world at the mercy of the laws of causality that He himself has invented, and which we have no reason or need to be able to understand.²² Like mankind, on the other hand, whether he learnt it previously or whether it is imprinted in his nature (and Ibn Ḥazm does not accept individual divine inspiration), there must be a chain running throughout the human race which leads back to the first man, whom God taught or inspired with the germ of language, knowledge and the arts. This is where Ibn Ḥazm's theory of the divine origin of language comes in; an idea which occupies a great part of his thinking, and with which he associates the idea of the divine creation of the sciences and the practical arts, as we saw earlier. The only absolute creator is God and, since no one learns to speak by himself, nor acquires knowledge without teachers, the same happens with the practical arts: they need apprenticeship and the passing on of their particular skills. All civilised nations must receive some initial knowledge both in science and in the arts. Then they develop them with effort and thought, but they do not create them from nothing.²³ So if some peoples lack some technique (*ṣinā'āt*) it is because they never acquired it right from the beginning:

²² The idea that destiny does not eliminate free will would be explained later by Ibn Rushd in *al-Kaṣhf 'an manāḥij al-adilla*. Ibn Ḥazm differs noticeably from the Mu'tazilī theory according to which servants are able to perform new things not created by God, since the direct creation from nothingness is exclusive to the Creator, and nature can only respond to the laws of causality with which it was created. In reality, the bitter controversy in Islam on human liberty was meaningless for Ibn Ḥazm, since in his opinion it was based on an error, by implicitly comparing God with Man: the determinists, by saying that God is the only one who chooses, and the Mu'tazilis for considering that God has no influence at all, and that human freedom is total. Thus there is no absolute freedom of choice nor predestination. Human freedom exists within the order of an unchangeable and precise world created by God, where each person possesses different natural characteristics from others, granted by the creator. Human freedom must be sought in the limits of human faculties and the laws of causality which function in the universe (Sālim Yafūt, *Ibn Ḥazm wa-l-fikr al-falsafī bi-l-Maghrib wa-l-Andalus*, Casablanca 1986, pp. 408–409).

²³ Cf. M. Asín Palacios, "El origen del lenguaje y problemas conexos, en Algazel, Ibn Sida e Ibn Ḥazm," *Al-Andalus* 4 ii (1939), pp. 253–281. In "La tesis de la necesidad de la revelación, en el Islam y la Escolástica," *Al-Andalus* 3 (1935), pp. 345–389 Asín comments on the line running from al-Jāhiz (8th–9th c.) to Ibn Rushd (12th c.) at least in defence of the divine origin of human science and arts. Ibn Ḥazm was particularly insistent on this point and, as against the theory of the conventionalism of language put forward by Mu'tazilism, and against those who thought it was a totally divine creation, Ibn Ḥazm took an intermediate position, attributing to God a divine basic principle of language, combined (and here he

Languages need a teacher just like technical arts (*al-ṣināʿāt*), but we cannot consider as teachers those who have learnt something impressed on their character, as against acquired learning. In this way, if the beginning of something was in nature, it would come into existence in all periods and in all places, for nature is one and the same in all species. Besides, we can see how people are alike so far as nature has decreed, although every species has accidental variations. The Initiator of the existence of the world must surely be the same one who first gave the teaching of languages and the teaching of arts (*al-ṣināʿāt*). This is a necessary condition, and it was He, the Most High, who brought all of this to the first human who lived, who in his turn taught it to the rest of the species, thus spreading the teaching. This is a logical argument, necessary and perceived by our senses, according to which the Creator and the Prophecy exist. The Creator taught languages, sciences and arts in the beginning, and there is the Revelation, which is the teaching of the Messenger.²⁴

As to which *ṣināʿāt* Ibn Ḥazm is referring to in his text, he hints at them a little earlier when he mentions “sowing, reaping and threshing, with the necessary tools, grain and milling, the working of linen, cotton, hemp and silk and the washing of all of these. There is no way that anyone can know anything about this if they do not pause, absorb, deal with it calmly, and analyse it thoroughly, allowing everything they have learnt to be impressed upon their character (*ṭabʿ*). Logical proof of all of this lies in the fact that he who does not learn does not know, and that countries which have not possessed any of these arts from the beginning of the world do not have them now, unlike the natural things which require no teacher, such as suckling, eating, drinking, sexual union, and others which neither humans nor animals need to learn.”²⁵ In *al-Fiṣal* he repeats similar ideas about creation and, after emphatically confirming that all of creation must come from a single Creator, who, in addition created the world as He wanted it, perfect or defective and just as He and He alone pleased, he argues his theory that language, science and art have a divine origin; this origin does not preclude immense possibilities of expression and variation:

Solving abstruse problems and grasping obscure ideas, speaking eloquent poetry or constructing a high rhetorical style is possible for a subtle mind and keen intelligence, but impossible for one who suffers from profound stupidity or extreme ignorance. What is indeed impossible for us is that

differed from others such as Ibn Rushd), with arts and sciences, and subsequent human evolution based on teaching and practice.

²⁴ Ibn Ḥazm, “Risālat al-Tawqif,” pp. 136–137.

²⁵ Ibn Ḥazm, “Risālat al-Tawqif,” p. 136.

which is not in our constitution (*bunya*), nor in our nature, nor in our habit (*āda*); **...** nor do we need to do it. If this is correct, so is the fact that what has been strengthened by God is never-ending, prophecy is possible and consists of a Revelation to a people chosen by God (...).²⁶

His passion for being totally consistent with the message of the Revelation leads him to the firm conclusion that the sciences and arts have a divine origin, and they must be transmitted by teaching:

If it is true that God created the world and no other being existed until the Most High created him, it is clear that nobody can acquire science and arts (*al-ʿulūm wa-l-ṣināʿāt*) by their own nature without teaching. Medicine, for example, requires one to know the characters, symptoms and their multiple causes and remedies with drugs that must always be tested in each circumstance, which is only possible after thousands of years, and observing every patient in the world (...). The same happens with astronomy (*ʿilm al-nujūm*), the knowledge of the movement of the heavenly bodies, their trajectories and their return to their orbits, all of which is learned after thousands of years (...). And the same happens with language: there is no education, no life, no other activity which does not need language; and this is only learned by contact with another language, so language must obviously have an origin.²⁷

This consecutive listing of the subjects of Divine creation, language, knowledge and the arts, which appears at various times in Ibn Ḥazm's work, is not gratuitous. It reflects an idea which underlies all his thinking. On the one hand, from Ibn Ḥazm's point of view, language is also an artistic effect, a *techné* (*ṣināʿa*), with the one enormous difference from the other arts that its author is God Himself, and that it begins with an ultimately Divine act.²⁸ On the other hand, for Ibn Ḥazm language does not imitate nature by following rules, as in the Greek concept of language; but the author of the *Fīṣal* has no option but to combine Divine Law and language indissolubly, for it was through language that God revealed his Law, and it is therefore Divine Law itself which decrees the observation of the rules and limits of language.²⁹ On principle, then, language occupies a central position that the arts cannot occupy, in spite of their distant divine origin. Language belongs to the divine plan of creation itself. It serves to prove the existence of the One God, and the contingency of the

²⁶ Ibn Ḥazm, *al-Fīṣal fī l-mīlāl wa-l-ahwāʾ wa-l-niḥāl*, Beirut 1980, vol. 1, pp. 71–73.

²⁷ Ibid. He also talks about the primeval revelation of *al-ʿulūm wa-l-ṣanāʾiʿ* in *Fīṣal*, vol. 1, pp. 67f. and 72.

²⁸ Arnaldez, *Grammaire*, p. 42.

²⁹ Arnaldez, *Grammaire*, p. 41f.

world and of humankind. Besides, knowledge itself and the arts are passed on through the medium of language. However, it is strange to see how, in the view of Ibn Ḥazm and many other Islamic scholars, language has been losing purity as the centuries pass, becoming mixed and corrupted, while the arts require a lengthy process of development and civilisation to achieve perfection. This idea is due, in my opinion, to the materiality which is always attributed to skills as against *logos*, which is essentially language, and which is the most sublime and divine part of the human being. In addition, language—not necessarily Arabic for Ibn Ḥazm³⁰—predominates over artistic activities, since it is the vehicle and the only reference point of the revelation, while the rest of knowledge and skills, although humanity may have acquired them at the beginning through divine inspiration, depend for their development on the work done on the raw materials, and have no direct influence on the transmission and knowledge of the revelation.

After the divine origin of language, science and arts, Ibn Ḥazm repeats his idea that “there is no knowledge in nature without teaching” (*ta’līm*),³¹ in the sense of direct transmission, not inspired, of artistic activities:

Ploughing and harvesting, threshing, milling and providing the tools for these activities; kneading, cooking, milking; the treatment of brocade (*hirāsāt*

³⁰ In *al-Iḥkām fī uṣūl al-aḥkām*, Beirut 1980, vol. 1, pp. 29ff. Ibn Ḥazm develops in detail his theory on the divine origin of language. The theory is quite subtle, and does not fall into simplistic apologies for the Arabic language. According to the Qur’ān, he comments, the perfect language used was that of Adam, but we do not know what language he spoke. We only know that it was not Syriac, nor Hebrew, nor Arabic, since there are great differences within each of these languages. There is no reason, moreover, to say that one language is superior to another, as many believe. There is no revealed text which shows this to be the case. Arabic is not the only language of the Revelation, for the Torah and the Gospels, for example, are revealed in other languages. Galen made the absurd remark that Greek was the best language, and that the rest were like the barking of dogs or the croaking of frogs. We all feel this when we hear a foreign language. “It is true that Almighty God taught us the meanings of words in the language that each of us understands, and that God made us understand only our language. The letters of the alphabet are all as one, there is no preference among them, and none of them is ugly (*qubḥ*) or beautiful (*ḥusn*)” (*Iḥkām*, vol. 1, p. 35). To claim that one language is superior to another is absurd, and a lie, like the Jewish claim that the angels speak Hebrew, etc. Asín Palacios rightly remarks that Ibn Ḥazm’s Zāhirism often led him to be dissatisfied with facile theological interpretations and that, in the intuitions that we have mentioned, or in his statements about the diversification of dialect for geographical reasons, etc, it caused him to anticipate modern linguists by many centuries (Asín Palacios, “El origen,” pp. 254–266). For other dimensions of this subject within Arabic culture, see ‘Abd al-Fattāḥ Kilito, *Lisān Ādam*, Casablanca 1995, pp. 5–57. And for a broader intercultural view of the subject, see Umberto Eco, *The search for the perfect language*, trans. J. Fentress, Oxford 1995.

³¹ Ibn Ḥazm, *Iḥkām*, p. 29.

al-mawāshī) and its production; planting, extracting pigments (*adhān*), dressing flax, hemp or cotton, washing it, weaving it, cutting it, sewing it and wearing it, plus the tools for all of these, as well as tools for farming and grinding; building ships to cross oceans, making waterwheels, digging wells, cultivating palm trees or silkworms, extracting minerals and constructing buildings (*abniya*) with them, with wood and ceramics (*fakhkhār*). To be able to do all this, teaching (*taʿlīm*) is essential, and there must have been a first man who was taught it by Almighty God, starting all without a teacher, thanks to a revelation, which is the attribute of the prophets. Therefore, the prophet or prophets are necessary. (...) Pure creation (*al-ikhtirāʾ al-batta*) from nothingness is not possible for those who do not receive the revelation; and it is like one who is born deaf and cannot access words at all, or the pronunciation of the letters, or like the countries that do not have certain arts (*ṣināʾāt*) or the sciences (*ʿulūm*) mentioned above, as happens to black people, Slavs and the majority of nations and peoples of the deserts (*al-bawādī*). Since the beginning of the world nobody in civilized places (*al-ḥawāḍir*) has been able, nor will ever be able, even to the end of time, to master a science (*ʿilm*) or art (*ṣināʾa*) hitherto unknown. The only way to acquire them is by teaching, and even if by nature they could access them without learning, they are bound to find in the vast world and with the passage of time someone, even if it is only one person, who knows something about it.³²

This long paragraph, whose aim is to bring further proof of the idea of the necessary existence of God and prophecy, ranks knowledge and the technical arts together, as we have seen, in so far as they have a distant divine beginning and are passed on by education. The divine Inspiration is limited to the unknown beginning of the world; thereafter the principle of causality takes over. There is no intermediate divine inspiration, except for the very limited and specific case of the prophetic revelation. In this commentary, moreover, Ibn Ḥazm makes a distinction between peoples without civilisation and those who are civilised. According to this, and with the same idea that Ibn Khaldūn would explore more deeply two centuries later, countries without civilisation also lack science and arts, and will not be able to develop them, unless there is some skill which can be acquired through natural development, in which case it will be a skill that

³² Ibn Ḥazm, *Fīṣal*, vol. 1, pp. 71–73: “With respect to the collection of knowledge in books, starting from nothing, the fact is that everything arises from what the writer hears and compiles, like books of logic, medicine, geometry, astrology, astronomy, grammar, language, poetry and meter. In other words, it must in justice be admitted that the first supply of language and its use (*al-lughā wa-l-kalām bihā*), of the beginning of astronomical knowledge and its teaching, the point of departure of those who study illnesses and their classifications, of remedies and their application, and the beginning of the knowledge of the arts, proceed directly and unequivocally from the Revelation of the Most High God.”

others had already developed in other places. Ibn Khaldūn also accords teaching a central role in the process of the transmission of knowledge and art, and agrees with the idea of a primordial origin for both of them. However, his speculations do not have the same theological purpose as those of Ibn Ḥazm, nor did the latter aspire to a systematic study of society as a scientific philosophical subject.³³

Let us now look at the character of human activity, which Ibn Ḥazm places in the framework of the natural law created by God, and within which it is entirely free and responsible. Although the human being cannot create anything from nothing, since this does not form part of the nature of things but is an exclusive attribute of the Creator, he does however still have considerable room to order his language, his knowledge and his art.³⁴ He is free, and he can make mistakes. According to Ibn Ḥazm there are three types of actions: “creative action (*fi’l ikhtirā’i*), natural and technical (*ṣinā’i*)”. This division has its origin in Greek thought, and Ibn Ḥazm attributes it here to Plato, although the explanation that he offers of each one of these three actions in his criticism of al-Kindī³⁵ is marked by the idea of the original divine creation:

Creative action is the specific realm of the Creator, and consists of forming existence from nothingness. Natural action consists of establishing one thing from another, changing the form and nature of the first thing into the

³³ Iḥsān ‘Abbās also points out the coincidence between Ibn Ḥazm and Ibn Khaldūn, not only in their ideas on primitive society and education, but in the high value that they both give to history as science, and in their criticism of the fantasies passed on as truth; although the differences between both of them are considerable, not only at a religious level, but also concerning the occult sciences and, above all, in the fact that Ibn Ḥazm is more of a moralist, appealing to the individual, and who needs history to gain access to the reality of the sacred texts, while Ibn Khaldūn writes his *Muqaddima* from the point of view of the sociologist, putting the individual and his relationship with faith into second place. Ibn Khaldūn, moreover, considers Ibn Ḥazm’s *Zāhirism* to be limited and outdated; see introduction to Ibn Ḥazm, “*Risāla fī mudāwāt al nufūs*,” *Rasā’il Ibn Ḥazm*, ed. Iḥsān ‘Abbās, vol. 1, pp. 331–332).

³⁴ “Nature carries out no more than one activity, not different activities; the composition of speech (*ta’līf al-kalām*) is one voluntary act which takes multiple forms” (Ibn Ḥazm, *Iḥkām*, vol. 1, p. 30).

³⁵ Ibn Ḥazm, “*Al-Radd ‘alā l-Kindī al faylusūf*,” *Rasā’il Ibn Ḥazm*, ed. Iḥsān ‘Abbās, vol. 4, pp. 361–405. Iḥsān ‘Abbās takes advantage of the publication of the text to probe the almost certain knowledge that Ibn Ḥazm had of the work of al-Kindī. Although the authorship of this epistle, full of unconnected passages, presents certain difficulties for its editor, he himself admits that it generally remains within the basic scheme of ideas of Ibn Ḥazm. The paragraphs we have quoted here from this work are perfectly in accord with the thinking of Ibn Ḥazm. On the importance of this criticism of al-Kindī, see Hans Daiber, “*al-Kindī in Andalus: Ibn Ḥazm’s critique of his metaphysics*,” *Actas del XII Congreso de la U.E.A.I* (Málaga 1984), Madrid 1986, pp. 229–235.

form and nature of the other; in this it is an act determined by the causality permitted by Almighty God. And technical action is also produced between one original thing and another, without altering its form, and it is an action which belongs to effects, which come from the will and determination of the Most High.³⁶

In this text the Greek philosophy of causality is clearly inserted into the Qur'ānic concept of divine creation. Against this background, technical activities fall within the natural laws, which for Ibn Ḥazm are explained by logic and Aristotelian causal typology. In this way, technical action is an operation which is carried out on a passive object, which merely changes form. There are four prime causes depending on material, form, agent, and purpose. His explanation reproduces the artistic and technical operation:

The material (*unṣur*) is, for example, gold, copper or silver. The form (*ṣūra*) is the shape that is made with it, such as jugs (*al-abāriq*), cups (*al-ku'ūs*) or jewels (*al-ḥulī*). The causal agent (*al-fā'ila*) is like the craftsman (*al-sānī*) who produces the movement to make these objects from the material. The purpose is why the agent carries out his action with the material, as one might ask: why make a cup? And the reply is to drink; or like the house (*bayt*) which the bricklayer (*al-bannā'*) builds. Why does he build it? To be lived in. The cause of the building (*bunyān*) of a house is its inhabitants, for whose benefit it is built; this is the ultimate cause for realising this action.³⁷

This causal typology, which Ibn Ḥazm or his circle may have received from al-Kindī, but which in any case is present in the philosophical and logical work of the great *faqīh* from Cordoba, forms part of a general theological world view which, as we have seen, supposes creation from nothingness

³⁶ Ibn Ḥazm, "Al-Radd 'alā l-Kindī," p. 390. In the *Didascalicon* Hugo de San Víctor (1096–1141) also distinguishes three types of creation: divine, natural and that of the *artifex*. Thomas Aquinas accepted this and says that "the work of art is based on nature, and the latter on divine creation" (*Summa*, vol. 1, p. 14:8). These scholastic ideas adopt an emanationism which Ibn Ḥazm does not accept, in spite of the similarity of the texts quoted, for as far as Ibn Ḥazm is concerned the break between God and nature is total once creation has been completed. Although it may be said that God acts as an intermediary in the work of the craftsman as he works with and on nature, there is no equivalent at all in things so radically different as divinity and humanity. Ibn Ḥazm's treatise aims, specifically, to criticise al-Kindī's idea that God is a cause. He bases his critique within the purest *zāhirism* on two principles: rational, for every cause has a relation with what is caused, which does not happen with God; therefore God is the origin of all causes, but not a cause; and textual, no text calls God a cause, it is not one of his Names (*Rasā'il Ibn Ḥazm*, vol. 4, intr., p. 55). On the scholastic theory of creation, see Raymond Bayer, *Historia de la estética*, Mexico 1965, pp. 94–95.

³⁷ Ibn Ḥazm, "al-Radd 'alā l-Kindī," p. 389.

as the monopoly of God, and total human freedom within the natural laws granted by the Creator. Human science and arts have a divine origin, and mankind passes them on through direct teaching. Within these activities, the arts are technical operations carried out on a material object thanks to a technique learnt within a more or less advanced civilisation. The shape of the material is changed to obtain objects of some usefulness which answer practical needs. A purely aesthetic aim is not to be recommended, as in the case of calligraphy or the cases which we shall see later, since it implies a distraction or an activity in the service of interests which are divorced from, or not in accordance with, the revelation. With language, too, it is possible to perform technical work in rhetoric and poetry and obtain something useful, or run the risk of getting carried away by some vice. Mankind, in short, does not create from nothingness, in the same way that God is not one of the natural causes. Human activities are not creative in the strict sense of the term, but only technical and utilitarian; they must be perfected and exercised for the service of the community and of salvation.

2.2 *Perfection and Immutability of the Divine Works*

The creative activity of God could be no less than absolutely harmonic and perfect, as confirmed beyond a shadow of doubt by the revelation itself. Man, faced by this divine work, possesses the rational capacity to understand this truth; he can do so based on geometry and its application in astronomy. The astronomer, indeed, is in a perfect position to observe the Qur'ān's idea of the greatness of the Creator and the perfection of his work:

Astronomy (*'ilm al-hay'a*) (...) is an apodictic science, based on perceived experiences and morally good (*'ilm burhānī ḥissī ḥasan*), which consists of the knowledge of the celestial spheres, their movements, intersections, poles and distances, as well as of the stars (...). The usefulness of this science lies in the fact that, through it, we can see the perfection of the work of art [of the cosmos] and the greatness of the wisdom of the Maker (*al-wuqūf 'alā iḥkām al-ṣan'a wa-'aẓīm ḥikmat al-ṣānī'*), his power, his purpose, his free choice. This use is sublime, especially for eternal life.³⁸

³⁸ Ibn Ḥazm, "Risālat al-Tawqīf," p. 132f. Like Asín Palacios, we translate *ṣan'a* as "work of art" (Asín Palacios, "Un código inexplorado," p. 10). "The *burhān* (or logical argument) informs us about the Creator and Controller of the world (*khāliq al-'ālam wa-mudabbirihī*)" (Ibn Ḥazm, "Risālat al-Tawqīf," p. 135).

In short, the senses, attuned to the relationship between the measurements, movements and harmony of physical bodies, both in geometry and astronomy, together with our capacity for thought, are capable of understanding the perfection and greatness of Creation, the absolute creative power of God, and His closed and final plan. This is a basic idea in Islam, which Ibn Ḥazm adopts on the basis of the revealed texts, and which he incorporates into his theological and philosophical treatises in order to refound a rational way of thinking from within Islam, and in opposition to the cosmologies of the emanationists and *Bāṭiniyya*. Ibn Ḥazm's cosmos is perfect, because the Revelation expressly says so, and because our senses have been prepared to understand it that way, and not because they have to discover or guess any hidden secret. The universe is finite and temporary; its Creator is eternal and, despite the Platonism frequently ascribed to Ibn Ḥazm, specifically to his theory of Love, it must be said that his idea of cosmic harmony does not go far beyond the letter of the Qur'ān, nor does it admit the idea of musical harmony that we see in the *Ikhwān al-Ṣafā'*.³⁹ Even less does he espouse the Neo-Platonist emanationist ideas that we can find in some of the famous Muslim *falāsifa*, or the conceptions of the universe as a living being, with a soul, which also exist in different schools of Islamic thought. There can be no relationship between the work of the Creator and the human craftsman. The perfect execution with which God makes and harmoniously arranges the universe is absolutely not comparable with human work and its arts. For this reason there is no room in his epistemology for relating cosmic harmony with artistic geometry, nor with any other art.

The subject of divine creation as a work of art reappears at the beginning of the *Fiṣal* when Ibn Ḥazm refutes the ideas of those who defend the eternity of the world and the non-existence of a controller. First of all, from a logical point of view he refutes the arguments of those who propose the theory, and at the end of his commentary he repeats, in support of his own hypothesis, the testimony of the senses instead of taste or intuition: "we see and observe through our senses the signs of the work of art (*al-ṣan'a*) [of the world] which offers no room for doubt for anyone who

³⁹ Joaquín Lomba Fuentes points out the contrast between the acoustic Platonic culture as against the visual Aristotelian culture: Echo against Narcissus ("El paradigma musical del arte," *Principios de filosofía del arte griego*, Barcelona 1987, pp. 120–122). The Qur'ānic Cosmos of Ibn Ḥazm is in the individual and logical/linguistic, from *logos-lughā*, in contrast to the Pythagorean and Platonic concepts of music as a *mimesis* of universal harmony.

is endowed with rational thought (*dhū 'aql*).⁴⁰ It is a cosmos which is visualised and rationalised by means of a combination of sensitivity, logic and the revealed word, whose proof contains the following arguments:

- i) The structure and integration between the celestial spheres, their permanent rotation etc. There must, according to Ibn Ḥazm, have been a motor to produce all the complex movements of the stars. This, then, is the perfection and harmony of the celestial universe;
- ii) “the structure of the organs of the human being and of animals (*tarākīb a'dā' al-insān wa-l-ḥayawān*), shows in the articulation of the convex bones with the joints, of the way the muscles are inserted into them, the tendons that hold them, and the veins. It is an obvious and unquestionable work of art (*ṣinā'a*) achievable only by the intelligence of its Maker (*ru'yat al-ṣāni'*)”;⁴¹
- iii) “there is also the pigmentation (*al-aṣbāgh*) of the skin of many animals, their feathers, their wool, their hooves, or shells within each type, within which there are no differences. This is the case of the pigments of partridges, turtle-doves, wood-pigeons, thrushes, falcons and many other birds, turtles, insects or fishes, whose marks (*tanqīl*) never vary and whose colours (*aṣbāgh*) are always the same, as happens in the tails of peacocks, in fishes, in locusts or insects. Their pigmentation is of the same type, just as the painter paints it in our world (*ka-lladhī yuṣawwiruhu l-muṣawwir baynanā*). Nevertheless, there is a great variety in the pigments of hens, doves, ducks or many other animals. By necessity, and by our senses, we know that a Maker has chosen to do all of this the way He wanted to, calculating it so that there should never be any disorder with respect to His intentions. It is completely impossible for reason to understand that these particular differences, which have no exceptions, could be the effect of nature, and that no Maker (*ṣāni'*) could be necessary to plan such a work. He who knows nature knows that it is a power located in a being which makes the attributes of that being what they are. But, by necessity, we must also know that nature has somebody to create it (*wādi'*), to control it (*murattib*), to model it (*ṣāni'*), because it does not establish itself, but is supported by the being in which it is found”.⁴²
- iv) Another sign of the art of creation: “a net-like web like that found at the foot of palm trees and fan palms, worked (*naṣj maṣnū'*) with great precision, with double weft and warp, like that which the weaver (*al-nassāj*) weaves (*yaṣna'*), can only be attributed to the intelligence of its Maker. It is absolutely not the work of nature, nor of a weaver (*nāsij*), nor of a builder (*bannā'*); nor of a maker of harmonious pigments (*ṣāni' aṣbāgh*)

⁴⁰ Ibn Ḥazm, *Fīṣal*, vol. 1, p. 22. Asín Palacios normally translates *ṣan'a* and *ṣinā'a* in these contexts as “art” or “work of art” (*Abenházam*, vol. 2, p. 111f.).

⁴¹ Ibid.

⁴² Ibn Ḥazm, *Fīṣal*, vol. 1, p. 23; Asín Palacios, *Abenházam*, vol. 2, p. 112.

murattaba); but it is the work (*ṣanʿa*) of a Maker who freely chooses to do so and, unlike nature, is able to do what He wants. This is a question that is known by intellectual necessity, immediate and sure, just as we know that three is greater than two. It is true, therefore, that this Maker is the Creator, the First, Unique, True Being, with no similarity to His creatures . . .”.⁴³

This passage, although shown by way of illustration, is careful to refer to the perfection of the Creator’s work both in the macrocosm of the universe and the microcosm of the human body, and the animal and plant world, as shown in the Qur’ānic text. The terminology used is that of the craftsman, as was common in medieval thinking, and the allusions Ibn Ḥazm makes to works of human craft are intended to illustrate, by way of metaphor, the precision and harmony of God’s creation. However, between the work of God and Man there is an unbridgeable gulf. We have one doubt on reading this passage, and that is to know what Ibn Ḥazm is referring to when he mentions the *muṣawwir*. We have translated it, like Asín Palacios, as “painter,” and it obviously does not have the Renaissance meaning of the term; but it is most likely that he is referring to a “producer of figures,” like a Muslim miniaturist or one of the decorators who, in the Cordoba Caliphate and in all of Islam, decorated any object with geometric patterns or figures of living beings to embellish their surfaces, just as the Creator embellished the skin of His creatures. The mention of the *muṣawwir* is in any case respectful, and serves to elaborate the explanation of the artistic harmony of the world and the limitations of human works against the grandeur of creation.

2.3 *Human Works and the Revelation: Architecture, Images and Music according to Ibn Ḥazm’s fiqh*

Compared with the perfect creation and management of the universe by God, human activities are on another plane, and there can be no comparison between human and divine operation. Human beings should not and, especially, cannot imitate or compare themselves with the Creator. They have to be content with doing their work without escaping the mandates of the revelation expressed in the texts, to the best of their ability and without falling into improper conduct. Let us see how Ibn Ḥazm articulates

⁴³ Ibn Ḥazm, *Fiṣal*, vol. 1, p. 23; Asín Palacios, *Abenházam*, vol. 2, p. 112f. We translate *al-ṣānī* as “Maker” instead of “Artist,” as Asín Palacios does, to distance the text from our modern aesthetic vocabulary.

these axioms about architecture, religious images and music, which are the only arts, apart from poetry, on which he has left us any noteworthy comments.

a) *The Mosque in a fiqh Treaty of 11th-Century Cordoba: Moral Precaution against Architecture*

Beyond his classification of knowledge and his metaphors on the harmony of the divine plan of creation, Ibn Ḥazm does not spend long talking about architecture, apart from the attention devoted to the mosque as the object of legal study, or his frequent censorial references about the constructions of certain powerful men. A learned jurist, Ibn Ḥazm develops the theme of the mosque within a science so eminently Islamic as the *fiqh*, which has as its mission the collection of rules for community life from the revealed texts. Ibn Ḥazm then reproduces legislation concerning the mosque that will serve as an illustration of the typical methodology of *fiqh* applied to the treatment of religious spaces. On the other hand, one should bear in mind the central importance of the mosque in Islam, not only as a place of worship *par excellence* but as an area of social and political relationships and exchange of knowledge, as well as an artistic object. From early on there was, because of this, a strong concern for all aspects relating to it, and the subject went on to become the motif of a specific type of literature, in addition to the sections appearing in treaties of *fiqh*. Works ranged from the history and peculiarities of the Prophet's mosque and the holy mosques of Mecca, Medina and Jerusalem, dealing with everything concerning prayer, the activities allowed or prohibited in the mosques, and matters of layout, decoration and furniture, which may have some impact on the history of Islamic architecture and give additional information for the study of the relationship between art and religion in Islam.⁴⁴

Ibn Ḥazm discusses the theme of the mosque in his voluminous treatise, *al-Muḥallā*, composed before his final step towards *Zāhirism*.⁴⁵ Ibn Ḥazm here addresses the rules for the building of mosques, basing himself

⁴⁴ Among the treatises about mosques one may mention the work of the famous 14th-century Egyptian *faqīh*, Muḥammad b. 'Abd Allāh al-Zarkashī, entitled *I'lām al-sājid bi-ḥikām al-masājid*, Cairo 1982.

⁴⁵ Ibn Ḥazm, *al-Muḥallā*, ed. Aḥmad Muḥammad Shākir, Beirut n.d.; cf. Asín Palacios, *Abenḥázam*, vol. 1, pp. 260–261, where he comments on Ibn Ḥazm's early move from Mālikism to Shāfi'ism and then to *Zāhirism*; he also says that various summaries and reviews of this monumental work, *Muḥallā*, were made in different Islamic countries and, among these, a compendium prepared by the Murcian mystic Ibn 'Arabī. **It is nowadays widely recognized that *al-Muḥallā* is in fact highly representative of Ibn Ḥazm's *Zāhirism*.**

largely on the *ḥadīths* of al-Bukhārī and Mālik. The case law into which he goes is of no particular interest to art theory, but we shall mention some of the points he touches on, in order to get an idea of the course that Islamic legal theory followed, not always in line with the constructive realities of its time. Ibn Ḥazm starts his presentation by accepting the idea of many traditionalists that the *miḥrābs* of the mosques are an innovation (*ammā l-maḥārīb fa-muḥdatha*) and do not conform to the traditions of the Prophet. ‘Alī also rejected *miḥrābs* in mosques. This rejection of *miḥrābs* seems to be related to the double fear of imitating the altars of Christian churches and of the introduction of luxury into places of worship.⁴⁶ The avoidance of luxury does not, on the other hand, imply dirt or lack of decorum in mosques, as recounted by a tradition which began with ‘Ā’isha: “The Prophet of God ordered the building of mosques (*binā’ al-masājid*) on the outskirts, pleasant and clean (*wa-an tuṭayyab wa-tunazzaf*),” or the *ḥadīth* according to which the Prophet became angry when he saw that the *qibla* of a mosque was dirty, nodding enthusiastically when a woman cleaned and perfumed it.⁴⁷

However, legal texts reflect controversies and give rules with practical aims, which we will not find in philosophical texts. One such controversy is the limitation of luxury in sacred buildings: “it is not permissible to build a mosque with gold or silver, except the Mosque of Mecca (*al-masjid al-ḥarām*)”. He cites a chain of transmission in support of this text, which goes back to Ibn ‘Abbās, who also relates this *ḥadīth*: The Prophet said: “I have ordered the building of mosques (*tashyīd al-masājid*)”. Ibn ‘Abbās added: “Decorate them (*la-tuzakhrifannahā*) as Jews and Christians do”.⁴⁸ These texts take us back to the origin of the expansion of Islam and the need for it to incorporate visual elements of previous traditions in order to make the image of the new faith effective. The contradiction between religious moderation and the representative force of the new architecture is once again apparent. Only the holy mosque of Mecca would deserve to be

⁴⁶ There are those who “decorate their mosques (*yuzayyinūn masājidahum*) and build altars (*madhābiḥ*) for them like the Christians; this deserves harsh punishment” (Ibn Ḥazm, *Muḥallā*, vol. 4, pp. 239–240).

⁴⁷ Ibn Ḥazm, *Muḥallā*, vol. 4, pp. 340–341.

⁴⁸ Ibn Ḥazm, *Muḥallā*, vol. 4, p. 247. He quotes this same *ḥadīth* in *Muḥallā*, vol. 4, pp. 44, where he comments on it at greater length and links it to the previously-quoted *ḥadīth* about the Prophet’s command to build mosques on the outskirts. Ibn Ḥazm believes that the Prophet is not referring to building just anywhere, but precisely on the outskirts of the town, because they used to be inhabited by tribes like the one preferred by the Prophet, the *Anṣār*, who were his first defenders in Medina.

dressed, according to this passage, with precious materials. Ibn Ḥazm provides more texts as authority in this in-depth debate on the luxury of artistic objects and religious sites. Among them, he cites a tradition from Abū l-Dardā': "If you adorn your books of the Qur'ān (*ḥallaytum maṣāḥifakum*) and decorate your mosques (*zakhraftum masājidakum*) ruin (*al-damār*) will fall on you"; or this one immediately after, which he attributes to 'Umar: "If people decorate (*zayyanū*) their mosques their works will be lost (*fasada*). He went through a decorated (*mushawwaf*) mosque frequented by slaves and exclaimed: Temple of slaves!". The Caliph 'Umar is also credited with this phrase: "Whoever wishes to build (*banā*) a mosque, let him not paint it red or yellow".⁴⁹ Other references to mosques that Ibn Ḥazm makes, after making it clear that all are of equal rank, except Mecca and Medina,⁵⁰ which rank higher and which, together with that of al-Aqṣā, are the only ones to which pilgrimage should be made, concern conditions for admission for associationists and unbelievers; he goes on to approve the ability to recite poems, dance, teach children, sell, chat or sleep on the premises, justifying it all with reliable sayings of the Prophet. However, the most appropriate role of the mosque is to serve for prayer. On the other hand, it is not permitted to spit, urinate, or make use of luxury articles in them. We shall mention, finally, that Ibn Ḥazm speaks, as is customary in works of *fiqh*, about the legal rules of ownership, boundaries and the delimitation of space in a given building, in this case, the mosque.⁵¹ Mosques, in short, are a community space, they have no individual owner; their sole owner is God. Although the legal text shows us the artistic nature of religious buildings only from a negative point of view, and hardly distinguishes between ornament and luxury, the mosque well sums up the idea of art for a *faqīh* like Ibn Ḥazm, for it is a work in the direct service of salvation, the greatest of all possible human aims, which complies with the text of revelation and should avoid gratuitous innovations, not allowing external decorative aspects to overshadow the true purpose of the mosque, prayer.

⁴⁹ Ibn Ḥazm, *Muḥallā*, vol. 4, p. 44.

⁵⁰ Ibn Ḥazm, *Muḥallā*, vol. 4, p. 248.

⁵¹ The Shāfi'ī scholar al-Zarkashī shows a certain hesitation in accepting the decoration (*zakhrafa*) of mosques: painting them, building balconies, plasterwork (*taḥṣīs*), paintings (*tazwīq*) or carvings (*naqsh*). He even questions the carving of Qur'ānic verses on the *qibla*. Among the traditions and texts quoted, as well as considering decoration as *bid'a*, innovation, there is a prevalent idea that all of this ensnares the believer and distracts him from prayer (*I'lām*, pp. 335–337). On the impropriety of striving too hard to build *miḥrābs*, and views for and against them, see al-Zarkashī, *I'lām*, pp. 362–366.

This warning lecture against the artistic treatment of the mosque extends to all the arts as soon as they go beyond being merely practical, as we have said above. Ibn Ḥazm often criticises ostentation as contrary to the divine message, and launches his criticism against it based on secular architecture and on certain works of art. As an example, we quote a passage from the letter addressed to the Jewish vizier of Granada, Samuel Ibn al-Naghṛīla, in which Ibn Ḥazm starts by complaining to God about the growing power of subject religions under Islam in al-Andalus, and the lack of interest of Andalusi Muslims in religious affairs; they work hard, however, in the construction of palaces and the making of money: "We complain before you, Almighty God, about how the people of our religion in these kingdoms divert their attention away from their religion in favour of the things of this lower world: they build palaces (*ʿimārat quṣūr*), which they soon abandon, instead of building (*ʿimāra*) their road to religion, which is essential to reach eternal life and their permanent home; they amass riches . . ." ⁵² Elsewhere he says that anyone who concerns himself only with earthly necessities, thinking of money, makes two errors: he is taking the longer and least useful road to achieve his goal, and he is like the man who strives to forge a beautiful sharp Indian sword (*naḥṣ*) and to build (*banā*) a house of fine brick (*anīq al-bināʾ*), with masterly artistic figures (*muḥkamat al-nuqūsh*) and solid foundations, but when he finishes it to his satisfaction, he sheaths the sword and cuts down the plants (*baql*), and throws them inside the house . . ." ⁵³ Despite its moralizing context and its brevity, this passage reflects the classical Arabic architectural ideal of building solid, beautifully decorated and landscaped property, which the literature of *adab* and poetry undertook to describe in profusion. The metaphor of the house also serves to illustrate the path of salvation: a sign of eternity, the perfect house is also the image of the eternal home to which the religious sciences should lead. As a human endeavour, however, especially when it is covered with signs of luxury and power, architecture is again shown in the work of the *faqīh* from Cordoba as a sign of alienation from religion in favour of earthly things, if not a symbol of direct confrontation with divinity.

⁵² Ibn Ḥazm, "al-Radd ʿalā Ibn al-Naghṛīla," p. 41.

⁵³ Ibn Ḥazm, "Marātib," p. 63.

b) *Religious and Secular Images in the View of Ibn Ḥazm*

When Ibn Ḥazm pauses to consider the religious imagery of Christian churches, his profound training in the sciences of Islam leads him to a critical reflection completely different from that suggested by the contemplation of the body of a beautiful woman, sculptures in the bathhouses, or the works of the *muṣawwir* mentioned above. His allusions to cultural images, despite their brevity and circumstantial nature, not only have the value of being a written record from the Caliphate of Cordoba about images, but also reveal the religious conception of this Ḍāhīrī jurist on pictorial representation, and give us some aspects related to his theory of knowledge, at which we shall look in greater detail later. In the second book of the *Fīṣal*, Ibn Ḥazm is quite conclusive about the images of the divinity, of Christ and of the saints present in Christian churches:

They all coincide in making an image in their churches (*an yuṣawwirū fī kanā'isihim ṣūrat^{an}*) which they say is the image of the Creator, another of the Messiah, of Mary, Peter, Paul, the Cross, Gabriel, Michael and Israfil. They bow before the images, worshipping them, and fast for them religiously. All this is without a doubt, pure idol worship and associationism. They reject idolatry but then practice it in public, and the proof is that they believe that this way they are coming closer to the people represented by these images, not the images themselves.⁵⁴

Here Ibn Ḥazm is merely confirming the spirit of the Islamic revelation against religious imagery. Looking again at the issue of figurative representation in Islam, we should clarify a little the particular position of Ibn Ḥazm against the pedagogical solution that the Church adopted to justify sacred art.⁵⁵ Islam took a different path, and in the eyes of an 11th-century

⁵⁴ Ibn Ḥazm, *Fīṣal*, vol. 2, p. 72, Asín Palacios, *Abenḥázam*, vol. 3, p. 112. Asín Palacios translates *ṣawwara* as “to paint,” but it may also refer to sculpture or any other type of imagery. Asín holds, meanwhile, that this text proves that the Christians of the Iberian Peninsula were not iconoclasts, as may be inferred following the sixth canon of the Council of Iliberis (Granada, c. 300–306), which decreed that “*pinturas in ecclesia non esse debere*” (ibid., n. 197). This useful note from Asín Palacios helps us to emphasize that the prohibition of images in places of worship in Spain considerably predates Islam.

⁵⁵ According to Gadamer, the step taken by the Church in proclaiming that images are the *Bible of the illiterate*, was a revolution which is not sufficiently highlighted when analyzing the evolution of the concept of art, insofar as the decision of the Church settled the problem posed by the Socratic school and Plato about the truth of figurative art. Against this Greek background there arose the first question about the representation of art, concluding that it is not a vehicle of rational truth. After the iconoclastic period of early Christianity, there was a definitive break between image and divinity, and the Church turned images into a means of teaching, thus inaugurating a new figurative art in the service of worship, which

expert in *fiqh* and Islamic sciences of the standing of Ibn Ḥazm, regardless of the animosity he felt towards Christianity, the educational alternative that the Church gave to religious images was unwarranted from his Islamic point of view for two reasons: 1) because all revelation is contained in the irreplaceable Word of the Qurʾān, and 2) because for him the process of knowledge is separate from all schematicism and “understanding through images is a wrong and baseless idea, since it would be necessary for such images, through which we expect to learn, themselves to be understood.”⁵⁶ His reasons are, therefore, of a philosophical nature, not attributable to any fanaticism or atavistic cultural backwardness. For Ibn Ḥazm the issue is so clear that he does not bother to support it with any text. He bases himself quite clearly on the severe Qurʾānic censure of idolatry.

His exegetic and philosophical Ṣāḥirism leaves no room for any other position. If Ibn Ḥazm had heard of any attitude of understanding towards Christian imagery as a way of depicting God in images, like Ibn ‘Arabī’s from a Sufi viewpoint,⁵⁷ it would have provoked an charge of outright blasphemy. Imagining God is impossible for Ibn Ḥazm. He will admit no form of *tashbih*, however immaterial and metaphorical it might be. For him, the *tanzih* is radical and absolute. The limits of humans are in the natural world, as we perceive it normally through our senses. Representation through images, even at this level, is unproductive, and does not contribute any knowledge, but rather it distances us unnecessarily from reality, which for Ibn Ḥazm is not the Platonic world of ideas, but the natural world. *Logos* / language is greater than any artistic representation as far as knowledge is concerned, and this is what is really important for Ibn Ḥazm; language is the natural and appropriate vehicle for reproducing the reality of the senses when competently used. As for the divine world, here the human being has no capacity of representation nor understanding; he has to make do with information transmitted by the revealed texts, which is indeed understood within the usual semantic field of the Arabic language.

would be renewed with humanism, defining all Western aesthetic consciousness until the aesthetic breakaways of the 19th century (Hans-Georg Gadamer, *La actualidad de lo bello*, Barcelona 1991, pp. 30 and 35).

⁵⁶ Arnaldez, *Grammaire*, p. III.

⁵⁷ Asín Palacios, in his translation of Ibn Ḥazm’s work *Los caracteres y la conducta*, Madrid 1916, p. 23, is of the opinion that “Sufism introduced into Islam the evangelical Neo-Platonist doctrine of the imitation of God”.

He roundly censured religious imagery; however, I must admit that I have not found a single passage in the extensive work of Ibn Ḥazm to which I have had access in which he rebukes figurative representation outside the context of worship; rather we can deduce quite the opposite from his thinking, as I will show in the following section when discussing his treatise on the permissibility of singing. Such a great omission makes us think that at the time of Ibn Ḥazm there was no serious objection to the issue of naturalistic figuration, whereas there must have been to certain forms of music. Were it not so, surely Ibn Ḥazm would not have ignored the question; nor would he have made the comparison we saw earlier between the work of a painter (*muṣawwir*) and the Creator; nor would he have casually mentioned shadow-play;⁵⁸ nor, surely, would he have let pass this paragraph referring to the image of a bathroom without giving a more severe warning:

“It is a great mistake to become distracted by something unreal, and for your imagination (*wahm*) to be caught up by frivolities, by something non-existent. Do you know who she is?” “No, by God, I do not.” “You have very poor judgment, and your intelligence is affected, if you are in love with a person you have never seen, who has never even been created and does not exist in this world. If you had fallen for one of the pictures (*ṣūra*) in the public baths (*ḥammām*), I would find it easier to excuse you (...).”⁵⁹

When García Gomez translated this passage from the *Ring of the Dove*, he thought this allusion to the imagery used in the public baths was interesting and said it should be linked to several other similar references that exist in Arabic literature; Iḥsān ‘Abbās did so in his edition of Ibn Ḥazm’s famous work about love and lovers, giving references to figures in Arab baths drawn from works such as *Nafḥ al-ṭīb* by al-Maqqarī and *al-Muwashshā* by al-Washshā’.⁶⁰ For my part, I also found a very explicit

⁵⁸ The passing reference Ibn Ḥazm makes to shadow play (*khayāl al-ẓill*) testifies to its presence in al-Andalus in the first half of the eleventh century, without causing our *faqīh* to tear his hair; nor does he see any canonical problem with this “imitation of the world.” “I have not seen anything closer to this world than the shadow play of the magic lantern; they are figures mounted on a wooden wheel, which spins rapidly: a group of figures disappears, when another group appears” (Ibn Ḥazm, “Risāla fī mudāwāt al-nufūs,” p. 351 (*Los caracteres y la conducta*, tr. Asín Palacios, p. 33). Asín also notes a reference by al-Ghazālī in *Iḥyā* to marionettes (*Alḡazel, dogmática, moral, ascética*, p. 313).

⁵⁹ Ibn Ḥazm, “Tawq,” p. 115f.

⁶⁰ Al-Washshā’, *al-Muwashshā’ aw al-ẓarf wa-l-ẓurafā*, Beirut n.d. There is now an excellent study and Spanish translation of this work by Teresa Garulo, *El libro del brocado*, Madrid 1990.

text by Ibn al-Khaṭīb, advising that certain rooms be decorated with statues to enhance the erotic pleasure of the place,⁶¹ in line with the Arabic aesthetic tradition of the public bath, arising from an extensive literature on the subject which conceives the bath, especially in the environment of the court, as a heavenly place, pleasant and purifying.⁶² Ibn Ḥazm would certainly not encourage the indulgence in such artistic license, considering it as an act of frivolity and useless amusement, if not of luxury and ostentation; but neither could he condemn them *per se* based on the scriptures, which for him place the ethical classification of these practices in second place to the intention of their author.

c) *The Ṣāhirī Jurist and Music*

This Ṣāhirī attitude to the arts becomes even clearer in the brief epistle Ibn Ḥazm devotes to another hotly debated topic in Islam, which is the lawfulness or otherwise of singing as entertainment.⁶³ The problem here is similar to the issue of imagery: there are disapproving *ḥadīths* and other permissive ones, and that is where the controversy begins. What is interesting and practically conclusive for me is that Ibn Ḥazm upholds the lawfulness of this artistic activity; and also that, in one of the traditions that he rejects, poetry and figurative reproduction are included, along with music. In his argument he cites the *ḥadīths* contrary to singing and instrumental music and demonstrates their scant or void reliability: in other words, he does not accept them into the corpus of revelation, and he concludes with a statement of the Prophet saying that the assessment of human actions lies in the intention with which they are performed.

⁶¹ *Los códigos de utopía de la Alhambra de Granada*, p. 201. The text of Ibn al-Khaṭīb is in *Kitāb al-Wuṣūl li-ḥifẓ al-ṣiḥḥa fī l-fuṣūl*, ed. and trans. M^a C. Vázquez de Benito, Salamanca 1984.

⁶² Cf. Abdelwahab Boudiba, *La sexualité en Islam*, Paris 1982³, pp. 197–213; M^a Jesús Rubiera Mata, *La arquitectura en la literatura árabe: datos para una estética del placer*, Madrid 1988², pp. 97–103.

⁶³ Ibn Ḥazm, “Risāla fī l-ghinā’ al-mulhī,” in *Rasā’il Ibn Ḥazm*, ed. Iḥsān ‘Abbās, vol. 1, pp. 430–446; with an introduction by Iḥsān ‘Abbās, *Ibid.*, pp. 419–429. There is a Spanish analysis and translation of this letter by Elías Terés, “La epístola sobre el canto con música instrumental de Ibn Ḥazm de Córdoba,” *Al-Andalus* 36 (1971), p. 203f. This author mentions, among the Muslims involved in the controversy about the lawfulness of accompanied singing, Ibn ‘Abd Rabbihi and the famous Sufi Dhū l-Nūn al-Miṣrī. The latter, like Sufis in general, approved of music and singing, and dealt with the subject extensively. Iḥsān ‘Abbās also gives a list of authors and classical works about this art (*Rasā’il Ibn Ḥazm*, vol. 1, p. 419f.).

Intention is the ultimate criterion that Ibn Ḥazm generally accepts in his works in judging human actions.⁶⁴ His *Zāhiri* analysis of singing is based, as we shall also shortly see for poetry, on five classifications (*aḥkām*): what is obligatory, what is forbidden, what is recommended, what is discouraged, and what is lawful. For an action not to be perfectly lawful, a text must be submitted which clearly says so;⁶⁵ otherwise, it belongs to the nature of creation and nothing prevents its realization.

Ibn Ḥazm quotes the *ḥadīths* contrary to singing as entertainment (*al-ghinā' al-mulhī*) which were usually quoted by those opposed to this type of music. He mentions that of 'Ā'isha on the prohibition of trading, paying and educating singers; the fifteen sins that the Prophet considered ruinous for his people, among which are included the existence of singers and musical instruments; another tradition that singing has the ability to infuse "hypocritical disbelief in the heart"; that of Abū Imāma against making profit from trade with singers; one that says the devil is responsible for the singer's domination of the ear; and some others, such as that transmitted by al-Bukhārī where at the same time the prophet condemns the use of silk, wine and musical instruments (*al-ma'āzif*). Ibn Ḥazm goes through these *ḥadīths*, rejecting them one by one, considering them to be apocryphal.

I have purposely left off this list one *ḥadīth* which is important to us, that Ibn Ḥazm places third on his list; its transmission begins with Mu'āwiya, and according to this tradition, the Prophet rejected nine things, among them: "singing (*al-ghinā'*), the wailing of mourners, images (*al-taṣāwīr*), poetry (*al-shi'r*), gold, fur, thick and fine silk".⁶⁶ This is the specific response that Ibn Ḥazm gives to this tradition: "In the *ḥadīth* of Mu'āwiya it mentions Kaysān, who is unknown, and also Muḥammad b. Muhājir, of doubtful reliability (*ḍa'īf*). Besides, poetry is also prohibited there, while they themselves [the opponents to singing] permit it."⁶⁷ The opponents do not, therefore, present a clear and definitive text for the banning of the things mentioned, including some figurative images (*taṣāwīr*); Ibn Ḥazm thus incidentally invalidates one of the typical *ḥadīths* against figuration. Poetry, also included in the same tradition, is perfectly acceptable to Ibn Ḥazm, as discussed in the next section.

⁶⁴ Cf. Terés, "La epístola sobre el canto," pp. 204–205.

⁶⁵ Roger Arnaldez, "Ibn Ḥazm," *Encyclopédie de l'Islam*, vol. 3, Paris/Leiden, 1971², p. 818b.

⁶⁶ Ibn Ḥazm, "Risāla fi l-ghinā' al-mulhī," p. 431.

⁶⁷ Ibn Ḥazm, "Risāla fi l-ghinā' al-mulhī," p. 434. Cf. Terés, "La epístola sobre el canto," p. 209.

Faced with these traditions, with the underlying mood contrary to many recreational and artistic activities, Ibn Ḥazm, contrary to his usual custom, does not turn directly to the Qurʾān to contradict them, but bases his permissive thesis on other traditions, which he considers indisputable. First he cites two *ḥadīths* where the Prophet agrees that two singing slave-girls, whom Abū Bakr had once castigated, saying that their songs came from Satan, could stay in his house; then Ibn Ḥazm provides a *ḥadīth* that confirms that the Prophet listened to a flute performance and allowed it to be heard. Here Ibn Ḥazm makes an excellent summary of his thoughts on this matter, which is perfectly applicable to the visual arts:

[The Prophet] rejected for himself anything that did not bring him closer to God, so he hated to eat lying down, to dry himself on his clothes after washing, to put brocade curtains (*satar al-muwashshā*) in front of ʿĀʾisha and Fāṭima's doors (may God be pleased with both); and he intensely disliked there to be coins in his house. He was sent (peace be upon him) to forbid the reprehensible and to command what is good. If it was illegal [to listen to music] he would not merely have covered his ears without ordering it to stop. He did nothing of the kind, but let it continue and moved away. Clearly, then, this is something lawful, although it is preferable to abstain, exactly as happens with *the other useless things* (*fuḍūl*), however lawful, in the world.⁶⁸

This passage makes a clear but ultimately highly permissive moral statement, on the brocades in the houses of ʿĀʾisha and Fāṭima, for it was said in several *ḥadīths* that there were shapes which the Prophet objected to, and for that reason they were used in argument by those opposed to figuration.⁶⁹ All this legalistic argument illustrates very well the way in which many scholars of Islam argued, by bringing into play the purely Islamic sciences of the *Bayān*, in this case *fiqh*; and it is easy to see how hazy the borders are between the reasoning of the texts and the preconceived subjective reasons of the scholar who uses the textual corpus. The same texts were used for contrary purposes, were interpreted in many different ways and, if they were not of interest, reasons were found to doubt

⁶⁸ Italics ours. Ibn Ḥazm, "Risāla fi l-ghinā' al-mulhī," p. 436. Cf. Terés, "La epístola sobre el canto," p. 212.

⁶⁹ The rest of the *ḥadīths* produced by Ibn Ḥazm in support of singing are the famous tradition according to which the Prophet saw and permitted a group who were dancing (*yazfinūn*) in a mosque; that in which the Prophet allowed singing at weddings and weeping in certain cases of mourning (except paid mourners); and that of Ibn ʿUmar, who rejected all things which were not serious, but when, without intending to, he heard a slave-girl singing with a lute, he permitted it and even intervened in the purchase of one of these slaves (Ibn Ḥazm, "Risāla fi l-ghinā' al-mulhī," p. 437f.).

them. I repeat all this once again to call for the debate on the artistic peculiarities of Islam to focus on the artistic practice itself, and to get away from religious casuistry; despite conflicting attitudes to the arts, it was unable decisively to settle the course of artistic production in Islam, which depended substantially on other social and historical motivations. Ibn Ḥazm himself, concluding his epistle on singing, calls for tolerance on these matters:

If someone argues that God Almighty said, “apart from truth, what (remains) but error?” [Q 10:33], and that this includes singing, one would have to reply: And what about seeking solace in gardens (*al-tarawwuh fi l-basātīn*)? And dyeing coloured clothing (*ṣibāgh alwān al-thiyāb*)? And everything to do with pleasure (*al-lahw*)? The Messenger of God says “actions are according to intentions, to each according to his intention”. If the person intends thereby to cheer (*tarwīḥ*) his soul and make a resolution to strengthen his obedience to God (may He be glorified and exalted), there will be no loss there (...). It is not lawful to prohibit anything unless it is done with a text of God (may He be exalted), or of His Messenger (peace be upon him), since he has been informed by God. And information about the Almighty can only come from an undisputed text.⁷⁰

In this paragraph, our *faqīh* goes a step beyond what we have discussed so far, by clearly expressing tolerance towards leisure activities and the service they provide for the balance of the soul; among these are some artistic practices such as singing, the colouring of clothes, etc. As if his demonstration of the permissibility of singing for entertainment had lacked proof, his epistle was submitted for examination to the great *faqīh* and scholar from Cordoba, Ibn ‘Abd al-Barr al-Namārī, one of Ibn Ḥazm’s circle, who declared it perfectly correct, as we can read in the colophon of the *Risāla*. If, on the one hand, music is not a scientific subject for Ibn Ḥazm, as we have seen, nor a good teaching medium on the other, he admits that it should be recognised as entertainment. In this case, even performed by slave-girls, along with poetry, pictures, brocade, silk, gardens and recreation in general, it is lawful and good to please the soul, so long as it does not divert human beings from the road to salvation or turn them into good-for-nothings; moderation or even abstinence is the most prudent, and in any case not falling into exaggeration, or giving oneself up exclusively to such games.

⁷⁰ Ibn Ḥazm, “*Risāla fi l-ghinā’ al-mulhī*,” p. 438f.

2.4 *Ibn Ḥazm's Poetical Theory and Criticism*

To complete this overview of Ibn Ḥazm's treatment of the artistic phenomena which merited his attention as a scholar of the *Bayān* for legal, theological or ethical reasons, we shall discuss his concept of poetry, and the succinct literary criticism he develops. As scholars of the history of Arabic literary criticism have noted, Ibn Ḥazm makes inroads into these issues, but does not deal systematically with the same topics; nor does he take advantage of his solid literary knowledge, nor his great intelligence and logical determination, for the benefit of poetic theory. His almost total absorption in the issues of *fiqh* and theology seem to have curtailed his great literary talent,⁷¹ which is shown in his own love poetry and his reflections in the *Ring of the Dove*. Guided by the sciences of Islam, he always referred poetry to ethics and the scriptures, treating it with some caution since he considered that it was linked to the field of the imagination, passions and falsehood. This did not, however, prevent poetry from being preferred over other artistic activities in his writings; nor did it prevent him from leaving us a positive and personal definition.

a) *Moral Profile of Poetry*

From the perspective of the *Bayān*, a knowledge of grammar and language (*al-naḥw wa-l-lughā*) is essential to know the language of the revelation conveyed by the Prophet to humanity in "the language of his people" (*bi-lisān qawmihi*) (Q 14:4), as Ibn Ḥazm indicates; ignorance of this language threatens the fabric of the whole religion. In this context, poetry can be understood as a useful material for language sciences, but must undergo an assessment at three levels:⁷²

- i) it is forbidden (*ḥarām*) for poetry to be the only knowledge (*ʿilm*) which the individual possesses, as evidenced by these words of the Prophet: "It is much better for the inside of any of you to fill, or be filled, with pus until you are eaten away, than to be filled with poetry";
- ii) Although it is not forbidden, we do not like the excess (*istikthār*) of poetry; it is not sinful to carry poetry to excess, if he who does so applies

⁷¹ Cf. Ihsān 'Abbās, *Tārīkh al-naqd al-ʿadabī ʿinda l-ʿarab*, Beirut 1983, pp. 484–490. Cf. also Riḍwān al-Dāya, *al-Naqd al-adabī fī l-Andalus*, [Beirut ?] 1981², pp. 310–324. Al-Dāya links Ibn Ḥazm with religious groups that had some influence on criticism, or who practised it themselves, as was the case of al-Balawī, author of *Alifbāʾ*, or the lost work of Ibn Khalaf al-Umawī against poets, *Tahāfut al-shuʿarāʾ* (ibid., p. 314f.); although, as we shall see, Ibn Ḥazm's qualms about poetry are not radical, and do not go so far as global censure.

⁷² Ibn Ḥazm, "al-Talkhiṣ li-wujūh al-takhlīṣ," in *Rasāʾil Ibn Ḥazm*, ed. Ihsān 'Abbās, vol. 3, pp. 162–164.

himself equally to learning about the religion, but it is preferable to deal with other things;

- iii) what we do and what we like to encourage, adds Ibn Ḥazm, is to keep poetry in perspective, for the Prophet asked poetry to be recited to him (*istinshād*) and Ḥassān⁷³ recited it (*anshada*), addressing the pulpit of the Prophet. The Prophet then exclaimed: "Indeed, poetry contains wisdom" (*inna min al-shi'r la-ḥikam^{an}*).⁷⁴ Poetry helps as testimony of grammar and language. This is the level to which we should restrict oneself when referring poetry. This is enough.

Ibn Ḥazm further adds, appealing to the ethical purpose of poetry: "Whoever recites poetry with wisdom (*ḥikma*) and continence (*zuhd*) is the one who does it best and who shall be best rewarded; he who does it by rebuking a friend, or using it to communicate with him, such as an elegy to a deceased brother, but without trifling, praising who really deserves it, does not fall into sin; nor is his action reprehensible. However, he who mocks a believer, flatters with lies, or takes issue with the sacred things of the Muslims, is corrupt, as God said: 'As for poets, the erring follow them' (Q 26:224)". In *Ṭawq al-ḥamāma*, a book conceived precisely as a poetic *dīwān*, perhaps from his own *dīwān* of love poetry,⁷⁵ Ibn Ḥazm again appears to be strongly opposed to poetry, although he himself shows a whole series of *qaṣīdas* in this work. In the chapter devoted to oblivion, Ibn Ḥazm directs his darts at Abū Nūwās for making mock, though with great poetic mastery, of those who weep over ruins, yet praising those who give themselves up to pleasure. This moral deviation warrants a new moralistic statement from Ibn Ḥazm, who brings up another famous Qur'ānic passage critical of poets:

God forbid that forgetfulness of what we have learnt should become my nature, that I should become accustomed to sinning against God by drinking wine, or that indolence should be a feature of mine. But we have sufficient with the words of the Most High—and who speaks more truly than He?—where He says concerning poets: "Seest thou not that they wander distracted in every valley? And that they say what they practise not?" (Q 26:225–226). This is Almighty God's testimony concerning them. So it is an error to say improper things, going beyond the excellence of poetry (*martabat al-shi'r*).⁷⁶

⁷³ Ḥassān b. Thābit (d. 674), the famous poet, who converted to Islam and was known as "the poet of the Prophet".

⁷⁴ Among others, this *ḥadīth* is quoted by al-Bukhārī in *Ṣaḥīḥ*, "Adab," p. 90.

⁷⁵ This is an opinion of Lévi-Provençal quoted by Arnaldez in *Grammaire*, p. 21f.

⁷⁶ Ibn Ḥazm, "Ṭawq," p. 255; trans. Emilio García Gómez, *El collar de la paloma: Tratado sobre el amor y los amantes*, Madrid 1952, p. 256. Cf. the slightly different translation by Arberry, *The Ring of the Dove*, p. 217.

Ibn Ḥazm combines disapproving and tolerant Qur'ānic quotations about poetry to clarify his permissive but moralizing theory about it. In his treatise on the classification of sciences, discussed fully above,⁷⁷ he insists on the moral vision of poetry, but provides further details. In the learning process some kind of poetry may be used, but only so long as it is a poem containing wisdom and benefit (*al-ḥikam wa-l-khayr*), as in the verses of Ḥassān b. Thābit, Ka'b b. Mālīk (companion and defender of the Prophet, d. ca. 50 AH), 'Abd Allāh b. Rawāḥa (companion and defender of the Prophet, d. 8 AH) or Ṣāliḥ b. 'Abd al-Quddūs (d. 783, crucified by the caliph al-Mahdī as an atheist, but author of moral poems). This is poetry which is beneficial for the soul (*al-'awn 'alā tanbīh al-nafs*). On the other hand, four types of poetry should be avoided in all circumstances:

- i) soft and erotic poetry (*al-aghzāl wa-l-raḡīq*), for it incites passion (*ṣabāba*) and invites disorder (*fitna*), excites young people and subjects the soul to depravity and pleasures (*ladhdhāt*), easily leads to perdition in mischief, the madness of love (*'ishq*), the denial of the obvious realities; moreover, it leads to destruction, corrupts religion, leads to wasting money on reprehensible things, loss of reputation, manhood and the performance of duties (...) The worst poetry of this class is the Bacchic and the depraved, which leads to immorality and sin and corrupts everything;
- ii) poems about vagabonds (*taṣa'luk*) and warmongers, like those of 'Antara, 'Urwa b. al-Ward, Sa'd b. Nāshib; they excite souls, shake up the personality and cause people to be ruined or killed in the unreality (*ghayr haqq*) missing the Afterlife and inviting them to commit horrendous crimes and to desire injustice and the shedding of blood;
- iii) poems of exile (*tagharrub*), deserts and ruins, which lead to detachment and estrangement, and it is very difficult for the person to disengage afterwards;
- iv) satire (*hijā'*) is the worst kind of poetry for a student, as it easily reduces and degrades the person, destroying reputations, citing flaws, violating respect for ancestors; it is a bane to this world and for the other.

This presentation is followed by two kinds of poetry which are not objectionable, although neither of them are to be encouraged: these are eulogy and elegy (*al-madhī wa-l-rithā'*): they are lawful because they recall the virtues of the deceased and the person who is praised, provided that the poet really feels what he says. Caution should be exercised, however, because their content tends towards the lie (*kidhb*) and "in lies there is nothing good".

⁷⁷ Ibn Ḥazm, "Marātib," pp. 67–69.

Despite the wide range of conditions Ibn Ḥazm lays down for poetry, he is careful to make clear his personal competence in this art: “Do not think we are ignorant of this science (*‘ilm*, referring to poetry), and that is why we criticise it. Anyone who knows us or has obtained some of our work knows to what extent we have mastery of poetry, and how well we control its content, how much we have concentrated on its various ways (*afānīn al-shi‘r*) and beautiful qualities (*maḥāsin*), on its meanings (*ma‘ānihi*) and divisions; how far our ability in this art (*ṣinā‘a*) extends, how easy it is for us to compose *qaṣīdas* and poetic fragments, with what expertise we write verses both long and short, although the right thing is what we have already said.”⁷⁸ And so it is: Ibn Ḥazm proved his poetic mastery in *Ṭawq al-ḥamāma*, and in his informative treatise on logic he kept to a balanced and prudent definition of poetry according to his ethical standards.

b) *Concepts and Classes of Poetry: Technique, Naturalness and Skill*

Ibn Ḥazm has indeed left us, at the end of his compendium of Aristotelian logic, *al-Taqrīb li-ḥadd al-manṭiq*, two separate outlines of his conception of rhetoric and poetry, placing both disciplines within logic and thus judging them both on the basis of the problem of knowledge of the truth. Although neither of the reviews on rhetoric and poetry are very extensive, they do have the virtue of recording Ibn Ḥazm’s theoretical premises on the topic in a positive way: in other words, leaving to one side the judgmental attitude of other texts, and defining poetry according to three fundamental concepts: *ṣinā‘a* (technique), *ṭab‘* (naturalness) and, above all, *barā‘a* (skill). In the latter concept he was relatively innovative compared to the usual criticism of his time, which normally revolved round the opposition between artifice and naturalness.⁷⁹ Ibn Ḥazm shows that he does not know Aristotle’s *Poetics*, which would be cause for comment by the scholars of *falsafa* when approaching the study of Aristotle’s *Organon*. The concepts Ibn Ḥazm offers in this treatise therefore remain, despite their Aristotelian nature, within the rich tradition of the *Bayān*.

In the first place Ibn Ḥazm relates art (*ṣinā‘a*) with lies. The poet is, according to many scholars, similar to a slanderer, for both are conspicuous by their absence of truthfulness (*ṣidq*). According to the ancients (*mutaqaddimūn*), he adds, “Poetry is falsehood (*kidhb*) and, therefore God deprived the Prophet of it. The Almighty says: “we have not taught him

⁷⁸ Ibn Ḥazm, “Marātīb,” p. 69.

⁷⁹ ‘Abbās, *Tārīkh*, p. 486.

poetry, nor is it meet for him" (Q 36:69). The Almighty warned us that [the poets] say what they do not do. The Prophet has decried excess in poetry, because it is false, but not that which is not simply poetry, but which offers knowledge, pious exhortations and praises to the Prophet. Otherwise, if he took the truth to heart, the poet would have to say: "night is night, day is day / the mule is a mule, the donkey is a donkey . . ." ⁸⁰ It would be ridiculous and laughable. Poetry therefore has to meet three requirements:

- i) *ṣinā'a* or technique: "consists of the composition that links metaphor (*isti'āra*), and meaning (*ishāra*) as well as accuracy and metonymy."⁸¹ This kind of poetry was used by: Zuhayr b. Abī Sulmā among the ancients and Ḥabīb b. Aws among the moderns.
- ii) *ṭab'* or naturalness: "this poetry is devoid of affectation (*takalluf*); its verbal expression is common language as well as its content, which could be put into prose with ease and with very limited vocabulary."⁸² Notable in this kind of poetry are ancients like Jarīr and moderns like Abū Nuwās.
- iii) *barā'a* or skill: "is the mastery of subtle and unusual content, to exaggerate in what is not normally said, using simile (*tashbih*), and embellishing (*taḥsīn*) a delicate (*laṭīf*) content." This kind of poetry is headed by Imru' al-Qays among the ancients and Ibn al-Rūmī among the moderns.⁸³

Here, Ibn Ḥazm is dealing with some common concepts in Arabic literary criticism, and cleverly balances the controversy between ancients and moderns, quoting a poet belonging to each class as a sign that good poetry can be produced just as well by one group as by the other. He also accepts the normal division between form and content, but includes both in his poetic ideal. To the opposition between natural and artificial he adds the concept of skill, and accepts all three types of poetry as being good.

⁸⁰ Ibn Ḥazm, "Taqrib," p. 354.

⁸¹ Ibn Ḥazm, "Taqrib," p. 355.

⁸² Ibid.

⁸³ Ibn Ḥazm, "Taqrib," p. 355. In "Risāla fī faḍl al-Andalus" in *Rasā'il Ibn Ḥazm*, ed. Iḥsān 'Abbās, vol. 2, pp. 182–183, Ibn Ḥazm makes a brief, but intense, statement of the major compendiums of Andalusī poetry he knew, in order to highlight the great poetic works of al-Andalus, for him comparable, if not superior, to that of any other country. He then displays a list of poets and compares them with the Orientals: he says, for example, that al-Kilābī, of the ancients, is only comparable in his period with Jarīr and al-Farazdaq; that Baqī b. Makhlad's only competition is Ismā'il al-Bukhārī, Ibn al-Ḥajjāj al-Naysābūrī, etc. The list of comparisons gets longer and concludes that in al-Andalus there are *fihūl*, eminent poets such as Ibn Darrāj al-Qaṣṭallī and others, who do not lag behind Bashshār b. Burd, Ḥabīb or al-Mutanabbī. Strangely enough, he mentions Ibn Masarra as another source of pride for Andalusian poetry, while declaring his disagreement on philosophy and religion with him (ibid., pp. 187–188).

The interesting thing here is to look at the difference he draws between technical concepts and skills, which in many treatises appear combined. For Ibn Ḥazm, technical poetry would be that which expresses a clear and precise content, with good use of resources such as metaphor, while skill involves a strangeness and subtlety at the level of meanings or ideas, and appropriate expression of them through simile. It would therefore be a more elaborate and unusual poetry, both in terms of content and of form. Our *faqīh* ends his brief foray into poetics saying that the *qaṣīdas* of all poets belong to one of the groups he has defined, and advising those who wish “to become proficient in the different types of poetry, in their selection and in the various ways (*afānīn*) to master their beautiful qualities (*maḥāsin*)” to seek all they need in the *Naqd al-shiʿr* of Qudāma and the works of al-Ḥātimī.⁸⁴ With the mention of these two scholars, we once again see Ibn Ḥazm’s confidence in the Aristotelian tendencies in everything left by the revelation for the consideration of human beings and their powers. Where the renovated *Bayān* has no powers, it is the *burhān* and common sense that have the last word. As for the figure of Qudāma (d. 337/948, Baghdad), here proposed by Ibn Ḥazm as the ultimate authority in the theory of poetry, we shall mention only that he is one of the great Arab treatise writers, whose main concern was to define poetry as a technique, trying to bring order to the critical chaos of his time by founding a science of poetry based on Aristotelian logic. Like Ibn Ḥazm, Qudāma insists that the very essence of poetry is lies, not truth (“from poets should be required fine speech, from prophets the truth”); but, based on this premise, Qudāma works to separate poetry from ethics, and to show that the value of poetry must be based on form, not content,⁸⁵ a crucial step on which Ibn Ḥazm does not speculate, although he does

⁸⁴ These are both scholars of the 4th c. AH, who were associated with the linkage between literary criticism and Aristotelianism. Al-Ḥātimī (d. 388/999) had contacts with the Baghdad circle of al-Tawḥīdī and he is known through a letter comparing al-Mutanabbī and Aristotle, and by his work *Ḥīlat al-muḥādara*. See Abū Ḥayyān al-Tawḥīdī, *al-Imtāʾ wa-l-muʿānasa*, Beirut 1953, vol. 3, pp. 126ff. See also ʿAbbās, *Tārīkh*, pp. 243–251.

⁸⁵ “In the contents of poetry (*al-maʿānī*) there is nothing in which beauty (*jamāl*) is to be found, but beauty lies in the form (*ṣūra*) in which such content is couched. All the contents are laid out before the poet, and he has to deal with them as he likes or as he is inspired, without having to worry about an idea (*maʿnā*) on which to focus his speech. The contents of poetry are like the raw material, and poetry itself like the form. It is exactly the same as in all the technical arts (*ṣināʾa*): it requires an object ready to receive the influence of the shape produced by the art, such as wood for a carpenter (*al-nijāra*) or silver for a silver-smith (*al-ṣiyāgha*).” (Qudāma, *Naqd al-shiʿr*, p. 13; cf. ʿIzz al-Dīn Ismāʿīl, *al-Usus al-jamāliyya fī l-naqd al-ʿarabī*, Beirut 1974³, p. 215. Cf., above all, Jābir ʿUṣfūr, “al-Baḥṭh ʿan ʿilm li-l-shiʿr: ʿQudāma b. Jaʿfar,” in *Mafḥūm al-shiʿr*, Beirut 1983³, pp. 77–124).

implicitly accept it by choosing Qudāma's work as a paradigm of poetics, proposing to introduce his concept of skill, and presenting as masters of poetics luminaries such as Abū Nuwās, whom he considers elsewhere as an example of ethical depravity. In terms of the religious sciences and the supreme goal of salvation, Ibn Ḥazm expresses a moral judgment on poetry, whereas in terms of poetic technique it is legitimate to look in logical "formalist" treatises like that of Qudāma. As a final thought, Ibn Ḥazm says that "the poet's character is not acquired (*laysa muktasab*), but is something inherent (*jibilla*), although the individual may increase his predisposition by reading many poems and reflecting on them."⁸⁶ For Ibn Ḥazm, then, poetic ability stems from an innate inclination and can be perfected by training. Poetry is a technique in the service of science of language, consisting of linking expression and content in the most subtle, perfect and enjoyable way possible. Its subject is not truth, but falsehood. The best poetry is that which skilfully links unusual meanings with a daring and uncommon form. However, it is appropriate that the content should not lead to vice, but should conform to ethics and, if possible, teach; the poet must never neglect his religious duties.

c) *The Rhetoric of Ibn Ḥazm*

In his essay on logic, Ibn Ḥazm presents an outline of rhetoric in the place that should be occupied by Aristotle's *Rhetoric*, as the penultimate book of logic; although he does not seem to be familiar with this work of Aristotle, which Ibn Rushd was later to gloss so carefully. Ibn Ḥazm begins by noting the educational intention with which he approaches rhetoric, feeling that it is a subject that concerns not only Aristotle, but also the common people. Qudāma again, and "our friend Ibn Shuhayd," says the *faqīh* from Cordoba, "have each devoted to rhetoric masterpieces to which we have not had access".⁸⁷ Ibn Ḥazm then confesses his wish to be brief in

⁸⁶ Ibn Ḥazm, "Taqrīb," p. 355.

⁸⁷ Ibn Ḥazm, "Taqrīb," p. 351. According to Iḥsān 'Abbās, Ibn Ḥazm may be referring here to a part of the *Kitāb al-Kharāj*, a lost work by Qudāma. Ibn Shuhayd (992–1034) is the famous poet from Cordoba who wrote the epistle *al-Tawābī' wa-l-zawābī'* in which the author depicts a journey to the world of the devils and jinns who inspire poets, and takes advantage of it to make mocking criticism of some of their works. As to his theory of eloquence, 'Abbās notes that in *al-Dhakhira* by Ibn Bassām some fragments of it are to be found, and the same author studies them in *Tārīkh al-adab al-andalusī: 'aṣr siyādat Qurṭuba*, Beirut 1981², pp. 142–145. Ibn Shuhayd is mainly concerned with the problem of whether eloquence (*bayān*) can be taught or not. While his position on this point is a little equivocal, his solution also appears to be two-fold: an innate origin, coming from divine inspiration in prose and poetry,

his treatment of rhetoric, and decides to give an outline of the discipline, avoiding the extensive books existing about it. Rhetoric (*balāgha*), he says, varies from language to language, depending on the level of perfection its speakers reach “in the adaptation of verbal expressions and meanings, which in every language go hand in hand.”⁸⁸ For speech to be eloquent, rare terms (*alfāẓ mustaḡhraba*) should not be abused. So, continues Ibn Ḥazm, “rhetoric is understood both by the masses and by the elite, and uses a form of expression (*lafẓ*) which draws the attention (*yantabih*) of the masses because it is unusual for them, and likewise attracts the elite by its unusual composition (*naẓm*) and content (*maʿnā*). It should cover the whole subject without adding anything that is irrelevant, nor deleting anything that is necessary. It will make itself clear to the receiver by its clarity, and make the remote accessible, elaborating on the content, but facilitating their retention by the brevity and simplicity of the vocabulary.”⁸⁹ In his idea of rhetoric the concept of clarity is the most important, rather than the suggestion and persuasion which governs other rhetoric that we shall see later. For this reason, Ibn Ḥazm proposes the use of repetition, but only to explain aspects of the speech which are not understood, and not when the recipient has received the message perfectly.

From the foregoing, Ibn Ḥazm concluded that there are two types of *balāgha* or rhetoric: that which uses verbal expression familiar to most people, whose paradigm would be al-Jāḥiẓ; and that which uses unusual expressions, as with al-Ḥasan al-Baṣrī and Sahl b. Hārūn. There is even a third type of rhetoric that is halfway between the previous two, which is used by the translator of *Kalīla wa-Dimna*, whether it was Ibn al-Muqaffaʿ or someone else.⁹⁰ Ibn Ḥazm closes his brief discourse on the subject of rhetoric with an allusion to the new type of rhetoric from al-Qaṣṭallī, a mixture of speech and letter, as well as the tendency of modern rhetoricians to presumption and wordiness, except al-Ḥātimī and Badīʿ al-Zamān, whom he considers to be in the line of Sahl b. Hārūn. Anyone who wishes to learn rhetoric (*ʿilm al-balāgha*) must apply himself to all the sciences and, above all, to the knowledge of the Qurʾān, the *ḥadīth*, history, and the

and a possibility, albeit a difficult one, for learning and training (ibid.). Cf. also ʿAlī al-Suyūfī, *Malāmih al-tajdid fi l-nathr al-Andalusī khilāla l-qarn al-khāmis al-hijrī*, Beirut 1985, pp. 65–97. Titles of works by Ibn Shuhayd are known, probably about rhetoric, such as *Ḥānūt ʿaṭṭār*, cf. Ibn Khallikān, *Wafayāt al-aʿyān*, ed. Iḥsān ʿAbbās, Beirut 1968, vol. 1, p. 116.

⁸⁸ Ibn Ḥazm, “Taqrīb,” p. 351.

⁸⁹ Ibid., p. 352.

⁹⁰ Ibn Ḥazm seems to doubt whether it was really Ibn al-Muqaffaʿ who translated *Kalīla wa-Dimna*.

works of ‘Amr b. Baḥr (i.e., al-Jāḥiẓ), as well as having an innate predisposition (*maṭbūʿ*). In fact, Ibn Ḥazm adds, “the natural style (*al-ṭabʿ*) only gives a collection of knowledge (*ʿulūm*).”⁹¹ Clarity, novelty and peculiarity made understandable both for the masses and for the elite are the fundamental assumptions of Ibn Ḥazm’s rhetoric, suitably purged, of course, of vacuousness, vain repetition, bombast and verbiage.

d) *The Qurʾān is Utterly Inimitable*

In the conclusion of his review of rhetoric in *Taqrīb*, Ibn Ḥazm also draws attention to the issue of the inimitability of the Qurʾān:

As for the composition of the Qurʾān (*naẓm al-Qurʾān*), we may say that the rank of the Most High rules out any possibility of comparison, or of placing it among rhetoricians and all that is associated with them.⁹²

This theme is developed in full, however, in a treatise on *Iʿjāz al-Qurʾān*, included in Book III of the *Fiṣal*,⁹³ although, unlike treatises such as that of ‘Abd al-Qāḥir mentioned above, which make a stylistic study of the Holy Book, Ibn Ḥazm approaches the subject from a strictly religious perspective. First, he contradicts the different versions of what for him is an undeniable truth: the Qurʾān is supernatural and impossible to imitate by humans and *jinn*s,⁹⁴ and even the Prophet himself challenged everyone to write something similar, and nobody has done so, nor will they ever. He refutes the idea of al-Ashʿarī that the inimitable Qurʾān is not the one known to us, but the eternal and divine that no one knows. It would be absurd, he says for the Prophet to invite the people to imitate the unknown; in addition, that theory would imply that the Qurʾān as we know it can be imitated and is not a miracle. Others say that the inimitability of the Qurʾān ended when no-one passed the test set by the Prophet.

Then Ibn Ḥazm explains his theory about what is inimitable in the Qurʾān, once it has been textually and rationally demonstrated that it is miraculous and inimitable *in aeternum*. He wonders if it is the style (*naẓm*) that is inimitable, or only its predictions of the future, or its references to the occult. Some think that what is inimitable is nothing but

⁹¹ Ibn Ḥazm, “*Taqrīb*,” pp. 352–353.

⁹² Ibn Ḥazm, “*Taqrīb*,” p. 352. On this point Ibn Ḥazm agrees with the Muʿtazilis.

⁹³ Ibn Ḥazm, *Fiṣal*, vol. 3, pp. 15–22; trans. Asín Palacios, *Abenḥázam*, vol. 3, pp. 247–252.

⁹⁴ Q 17:88: “Say: If the whole of mankind and jinn were to gather together to produce the like of this Qurʾān, they could not produce the like thereof, even if they backed up each other with help and support.”

the hidden information given to us, not its style. Most Muslims believe in its total inimitability, both in style and in its mysteries. For Ibn Ḥazm, this is correct, and the proof is in the Q 2:23, which says: "Bring then a *sūra* like it," given that most of its *sūras* do not talk about mysteries. A certain theological school held that its inimitability refers to the fact that its style reaches the highest degree of eloquence (*fi a'lā daraj al-balāgha*). This is a fallacy, because at every moment there is something that occupies the highest degree of eloquence. God made it that way by His own will, and we can ask Him nothing. Why did He not make it so in other languages, for example? For non-Arabs cannot know the revelation unless the Arabs inform them. After refuting various theories about whether the inimitability is of the whole book or just part of it, he returns to the matter of Qur'ānic style. Those who defend its supreme eloquence have to accept that a few verses, which are a pure list of names (such as Q 4:163), are also eloquent, which is inconsistent with his theory of eloquence. On the other hand,

If the inimitability of the Qur'ān lay in its being the highest degree of eloquence, then it will be at the same level as the prose (*kalām*) of al-Ḥasan, Sahl b. Hārūn, al-Jāḥiz or the poetry of Imru' al-Qays. God save me from falling into this claim, because there will always be someone who will imitate a work, however perfect it may be.⁹⁵

The only possible and true conclusion for Ibn Ḥazm is that God, by His own will, prevented its imitation, period. The Qur'ān is very eloquent in the sense that God said what He wanted to say in an unsurpassed way, not because His eloquence is comparable with the eloquence of His creatures and His eloquence is consequently superior, inferior or intermediate. He thus puts an end to the controversy over the inimitability of the Qur'ān in the same way that He settled the issue of the creation of the world: the world is perfect and we are witnesses, but we cannot explain how or why. There is no other answer: our human nature is such that it can perceive the perfection of creation and perfection of the Qur'ān; but neither work is comparable with any work of this world, nor can we give reasons why its constitution, its order, should be one way or another, or what motivated the Almighty to carry out such perfect and unique works.

⁹⁵ Ibn Ḥazm, *Fiṣal*, vol. 3, p. 18, trans. Asín Palacios, *Abenḥázam*, vol. 3, p. 251f. According to Asín Palacios, al-Ḥasan must be al-Ḥasan al-Baṣrī (d. 728), theologian and famous prose writer, while Sahl b. Hārūn is the famous secretary of the Caliph al-Ma'mūn (ibid.).

3. THEORY OF KNOWLEDGE AND DEFINITION OF BEAUTY IN THE THINKING OF IBN ḤAZM

3.1 *Reason versus Imagination. Ibn Ḥazm's Theory of Knowledge* *Toute la doctrine ḥazmienne est une mise en garde contre l'imagination* (R. Arnaldez).⁹⁶

a) *Nature of the Human Soul*

In essence the soul, whose importance in Ibn Ḥazm's aesthetics and theory of love we shall be able to examine in detail, is for this scholar from Cordoba a particular sort of physical entity, entirely permeating the human body, and which really possesses life and the perceptive and sensitive ability of the individual. The fact that we cannot capture it with the senses does not mean that the soul is not corporeal; the blue sky, for example, is a mixture of elements of inner space, but when they change their qualities the colour changes, being one of those bodies of which only the tangible qualities can be perceived, like air and fire, but which are nevertheless very voluminous bodies. The more subtle a body is, the less it can be perceived by the senses.⁹⁷ This is the case of the soul which, while not being perceived by the senses, is itself, however, what really feels: "there is no sensible perception without a soul (*lā ḥiss al-battata illā li-l-nafs*), it is the only sensible (*ḥassās*) recipient; it is sensitive, but is not felt."⁹⁸ It does not produce any sensation which can be captured by our sensory organs, but it is, in short, the "percipient (*mudrika*) of all

⁹⁶ Arnaldez, *Grammaire*, p. 76.

⁹⁷ Ibn Ḥazm emphasizes the corporeality of the soul in *al-Uṣūl wa-l-furūʿ*, Beirut 1984, pp. 24–34: The soul cannot be a universal essence, since in that case the knowledge of all people would be identical; nor is it a simple feature, but the support of features and qualities (*ṣifāt*): in other words, of the virtues, vices, knowledge or ignorance. For this reason it is a bodily essence that takes form, and escapes the categories prevailing in the natural world; from which, moreover, only divinity also escapes. The soul goes together with the body without mixing with it, and being free of the humours of the body, is the tool that thinks and feels with greatest purity. It is a kind of pure celestial body (*jism falakī ṣāfin*) located in the brain and heart, but not in the blood. The soul is also a created corporeality which will be rewarded or punished on the Day of Resurrection, the day when it will meet again with its physical body. His theory of the soul as "a body (*jism*) having three dimensions, width, length and depth, which occupies space, that is intelligent, discerning and orders all the bodily organism (*jasad*)," also appears in *Fīṣal*, vol. 5, pp. 74ff. (Asín Palacios, *Abenházam*, vol. 5, pp. 250ff.).

⁹⁸ Ibn Ḥazm, *Fīṣal*, vol. 5, p. 80. Ibn Ḥazm does not differentiate between *nafs* (soul) and *rūḥ* (spirit), as occurred in the group of al-Tawḥīdī, but considers them to be perfectly synonymous and interchangeable concepts (*Fīṣal*, vol. 5, pp. 74 and 79).

these perceptions (*mudrakāt*), it is what feels (*ḥassāsa*) those sensations (*maḥsūsāt*), it is perceptive without being perceived. We know of it only by its signals and by rational logic.”⁹⁹ The soul, besides being a very subtle and sensitive body, possesses capabilities such as freedom of choice, and is what “feels pain, pleasure, joy, sadness, anger or satisfaction, which knows, is ignorant, loves, hates, remembers, forgets, is restless or restful.”¹⁰⁰ It is, in short, the real agent of sensations, feelings and intellectual functions. Ibn Ḥazm also explains clearly and concisely his idea of the soul in a beautiful and original letter specifically about the subject, composed as a dialogue between the author and his own soul.¹⁰¹ The soul is “the controller of the body, sensitive, lively, logical, discerning and wise,”¹⁰² while the body is inert and receives life and movement from the soul. If we question it, the soul is aware that it knows all things in the world thanks to its capability of discernment, gaining an accurate idea of the order of the cosmos, both sublunary and celestial; and it also acquires science and historical reports by learning, that the senses cannot perceive. Similarly, and with the additional support of the senses, this is how it gets to know the Creator. The soul, however, admits to not knowing anything about its own essence, about how or why it is united with the body. It knows that it asks all these questions, but accepts the powerlessness of created beings to know about such issues, just as it knows by obligation that there exists a Creator God who created it and gave it all those powers and limitations. Ibn Ḥazm’s concept of the soul is consciously developed on the basis of his solid knowledge of the sacred texts, and he takes care not to contradict them, not even with his interpretation of them; at the same time, this is the framework within which he evolves his theory of perception and knowledge. We shall now discuss this, completing the faculties that make up the human soul and its function.

⁹⁹ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 80.

¹⁰⁰ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 80f.

¹⁰¹ Ibn Ḥazm, “Faṣl fī ma’rifat al-naḥs bi-ghayrihā wa-jahlihā bi-dhātihā,” *Rasā’il Ibn Ḥazm*, ed. Iḥsān ‘Abbās, vol. 1, pp. 443–446. Asín Palacios (“Un código inexplorado,” pp. 6–7) could find no parallels between this letter and the works in which Ibn Ḥazm deals with the same subject, such as the *Fiṣal* or his *Risāla fī mudāwāt al-nufūs*, although it may be seen that the concepts in this short letter reaffirm the author’s concept of the soul as expressed elsewhere, with the special characteristic of the single theme of the work.

¹⁰² *Ibid.*, p. 443.

b) *Perceptive Structure of the Soul. Rational, Sensorial and Linguistic Knowledge*

As well as the ability of discernment (*tamyīz*) mentioned above by Ibn Ḥazm, the human soul possesses another conflicting faculty which is passionate desire (*hawā*); between them they form a complex mental system which is unique in creation. Human beings share discernment with supernatural beings like jinns and angels, but not with animals, who have no *logos* (*laysa nāṭiq*), and are inferior. They share with animals, however, passionate desire, which is also characteristic of jinns, although on the latter we have no more information than what the Revelation gives us. Passion is the compulsive desire for pleasure and mastery, and will decisively influence both the phenomenon of knowledge, as in love and in aesthetic perception. Ibn Ḥazm's anthropology must therefore be included within the general framework of classical Arab Islamic thought, which sees man as being configured with one irrational dimension and another intellectual or spiritual; the latter must govern and prevail over the former, through discernment and logic, to free him from the bondage of the material world and bring him closer to the path of salvation. Ibn Ḥazm presents this theory at various points in his work, always appealing to the intellectual reason (*ʿaql*) that God gave human beings in order to understand the world of the senses and the Revealed Message.¹⁰³

At the beginning of the *Fiṣal*, and referring to his own *Taqrib*, Ibn Ḥazm gives us interesting new ideas on his theory of the soul. Sensible perception and the logic derived from it are innate in humans. The soul perceives through the five senses (*adrakat bi-ḥawāssihā al-khams*), and thanks to them is able to tell a delightful scent from one that is not, the difference between red, green, yellow, black and white, the roughness or smoothness of things, their temperature, their flavour, or the variety of sounds. But together with these five senses and their perceptions, Ibn Ḥazm speaks of the existence of a "sixth perception (*al-idrāk al-sādis*), which is what teaches the soul axiomatic evidence (*badīhāt*),"¹⁰⁴ for example that the part is less than the whole, that one body does not occupy two places, and nor can two bodies be in the same place; that no-one knows the occult and the Mystery (*al-ghayb*), that nothing exists in this world outside of time, that everything is kept within the principle of identity, that every

¹⁰³ God created in the human soul the ability to think and to use the senses in proving proof (Ibn Ḥazm, *Fiṣal*, vol. 5, p. 108).

¹⁰⁴ Ibn Ḥazm, *Fiṣal*, vol. 1, p. 4f.

action has an agent, etc. In other words, these are the principles of reason (*ʿaql*), which are common to all rational beings.¹⁰⁵ This sixth sense is the one that captures the basics of human nature as God created it, and we are led inexorably to knowledge, within specific limits set by the Creator. There is no place, therefore, for a theory of perception and of mystical or enlightened knowledge, but knowledge is always linked to the axioms of reason and sensible perception, which will be expressed with the precision and accuracy of human language, also of divine origin.¹⁰⁶

In *Taqrib*, a work cited by Ibn Ḥazm himself in this context, he gives a more detailed summary of the cognitive faculties of the human soul. First, he asserts the “superiority of the intellectual faculty of perception (*idrāk al-ʿaql*) over sensory perception (*idrāk al-ḥawāss*),”¹⁰⁷ warning about the perceptive weakness of the senses and their frequent errors. Fortunately, however, the soul (*nafs*) soon notices the limitations of the senses and reconstructs perfect perception (*idrāk tāmm*) with the power of reason; for rational perception (*idrāk al-ʿaql*) is an unambiguous and comprehensive insight, with which the Creator distinguished the human soul, without giving it any contact with the body and its shortcomings. Thus Ibn Ḥazm notes that the perception of the soul (*idrāk al-nafs*) related to the senses does come into contact with the body, in other words, with the confusion of matter; while reason remains alien to bodily appetites (*al-shahawāt al-jasadiyya*) and is “a clean, perfect perception without any impurity”.¹⁰⁸ All the senses, although they are indispensable as a basis of knowledge, have obvious limitations: the eye perceives objects larger or smaller depending on the distance of objects, just as the ear does not capture distant sounds with the same intensity as those nearby; while reason (*ʿaql*) knows the true size of things, the exact tone of voice or tactile and sensory changes

¹⁰⁵ Ibn Ḥazm, *Fiṣal*, vol. 1, p. 5f. The same idea appears in “*Taqrib*,” p. 285.

¹⁰⁶ Similar conclusions on Ibn Ḥazm’s theory of knowledge can be found in Juan F. Ortega Muñoz, “El método axiomático en la metafísica de Abenhazam,” *Actas del I Congreso Nacional de Filosofía Medieval*, Zaragoza 1992, pp. 417–429, a work carried out on the basis of Asín Palacios’ version of Ibn Ḥazm’s *Fiṣal*.

¹⁰⁷ Ibn Ḥazm, “*Taqrib*,” pp. 312–320.

¹⁰⁸ Ibn Ḥazm, *Fiṣal*, p. 312f. In *al-Uṣūl wa-l-furūʿ*, p. 23, Ibn Ḥazm again emphasises the purely intellectual moment of knowledge: for the soul to achieve perfect knowledge it must detach and isolate itself from everything corporeal, and not use the senses at that moment. There is a “perceptive something (*shayʾ mudrik*) capable of assimilating (*mutamaththil*) and which is different from the body,” as is proved in imaginary dream fantasies (*takhayyala*), or in the existence of people whose capacity for insight is amazing, while their body is severely handicapped. The true agent is not the body, but the human soul, although the latter totally permeates the body.

in the rest of the senses and, thanks to reason, our knowledge extends much further than our senses, even reaching as far as the metaphysical knowledge of the Revelation.¹⁰⁹ The human soul and its cognitive powers are structured as follows:

Reason (*‘aql*), sensible perception (*ḥiss*), opinion (*ẓann*) and fantasy (*takhayyul*) are powers of the soul (*quwā l-nafs*).¹¹⁰ Thought (*fikr*), meanwhile, is the judgement that the soul issues (*ḥukm al-nafs*) on what the other powers show it. Memory (*dhikr*) consists of the assimilation (*tamaththul*) by the soul of what the other powers show it. If the soul forgets something it has stored, it finds it through thought (*fikr*), searching and searching among the memories, like the owner of a bale that gets lost and mixed with many others: he looks for it one by one in each place until he finds it and retrieves it. The soul is exactly that. Praise be to the Controller of all things and their Initiator. There is no god but God. Among all the powers mentioned there is none which offers security in all circumstances, as reason (*‘aql*) does; it discerns (*tamyīz*) the correct perceptions of the senses (*mudrakāt al-ḥawwās al-salīma*) from the erroneous, caused by illness or something similar (...). As for fantasy (*takhayyul*), it makes you hear voices or see people who are not there. God says: “it seemed (*yukhayyala ilayhi*) to Moses that on account of their sorcery [their ropes and staffs] ran away” [Q 20:66]. God warns, says Ibn Ḥazm, of the falsehood of fantasy (*kidhb al-takhayyul*). Reason (*‘aql*) is always truthful (*ṣadiq*).¹¹¹

In fact, the powers of the soul that Ibn Ḥazm mentions come down to two fundamentals, in a continuous relationship: the senses (*ḥiss*) and reason (*‘aql*), while the *falāsifa* give greater importance to memory, common sense and imagination. Reason acts directly with the sensible perceptions, instantly discovering and correcting their mistakes and limitations, while conjectural opinion (*ẓann*) is mere deception beyond any reality; and Ibn Ḥazm never tires of rejecting it in his works, especially when trying to apply it to the interpretation of the sacred texts. He even quotes a *ḥadīth* of al-Bukhārī to refute it: “conjecture is the most deceitful of utterances”. Reason should therefore be imposed on all aspects of the human being: “to learn the truth of religion and that of those who work to succeed in the

¹⁰⁹ Ibn Ḥazm, “Taqrīb,” p. 314.

¹¹⁰ In *Fīṣal*, vol. 5, p. 72, Ibn Ḥazm says that in the Qur’ān the term *‘aql* has the sense of conviction (*īmān*) and compliance, and so “reason is an act and accident of the soul, like one of its faculties,” and adds that in the Arabic language *‘aql* indicates discernment (*tamyīz*) and the fulfilment of the virtues (*faḍā’il*), and it must therefore be an accident (*‘araḍ*), the opposite of ignorance (*jahl*), and not a substance (*jawhar*).

¹¹¹ Ibn Ḥazm, “Taqrīb,” p. 315f. Jābir ‘Uṣfūr also detected the greater degree of caution Ibn Ḥazm shows here in the face of the *falāsifa* with respect to the subject of imagination (*al-Ṣūra al-fannīyya fī l-turāth al-naqdī wa-l-balāghī ‘inda l-‘Arab*, Beirut 1983², p. 47f.).

Afterlife and achieve eternal peace; with reason we know the truth of science, we escape the darkness of ignorance and organize our livelihoods, the world and the body.”¹¹² The only person who gains access to the essential reality of things is the one “who detaches his soul from all appetites (*ahwā*)” and reflects on all ideas in a coherent and balanced way, without favouring either side, and investigates morality with his reasoning (*‘aql*) so that he leaves absolutely nothing to passion (*hawā*) nor to emulation (...).”¹¹³ Inductive reasoning (*istidlāl*) is not enough, but Ibn Ḥazm proposes research (*baḥṭh*) through the various mechanisms of accumulation and comparison of information, always supervised by logic and the senses.¹¹⁴ The use of reason is also a religious duty, since the Qur’ān requests it, and because in itself it leads to interest in the issue of salvation and the revealed truths.¹¹⁵ Outside the sacred texts, sensible perception and reason, there is no real possibility of knowledge and freedom from the nonsense of the passions; so fantasy or imagination should always be supervised and regulated by Reason in order to avoid their great capacity for distortion. The *falāsifa* also warned against the dangers of fantasy, but they nevertheless granted it a central role in their psychology and their artistic thought, especially Farābī and Ibn Sinā; although it would be Sufism which would radically transform this scheme, making *al-khayal* (imagination), not only an important organ in the psychology of artistic production, but the key transforming faculty of Gnostic knowledge and fusion with the divinity. But we are poles away from Ibn Ḥazm’s *Zāhirism*.

The scholar who has most profoundly examined Ibn Ḥazm’s theory of knowledge has undoubtedly been Roger Arnaldez, when he wrote his important study *Grammaire et théologie chez Ibn Ḥazm de Cordoue*, which finally put the scholar of Cordoba in a privileged position in the history of Islamic thought, after the important work of discovery, translation, study and dissemination carried out by Asín Palacios on the great *faqīh*. Although Arnaldez claims not to know the contents of the *Taqrīb*, which

¹¹² Ibn Ḥazm, “*Taqrīb*,” p. 316f.

¹¹³ Ibn Ḥazm, “*Taqrīb*,” p. 319.

¹¹⁴ “One only learns the truths through intense research (*baḥṭh*), which involves the performance of a strict examination of all ideas and opinions, reflection on the nature of things, listening, investigating and checking the proofs of each argument; the knowledge of the different religions, points of view, sects, religious tendencies, free deliberation, as well as the controversies between people and the reading of their books” (Ibn Ḥazm, “*Taqrīb*,” p. 343f.).

¹¹⁵ “The most valuable thing that the intelligent man (*‘āqil*) desires for himself is Paradise (*janna*)” (Ibn Ḥazm, “*Taqrīb*,” p. 328; also in “*Risāla fī mudawāt al-nufūs*,” p. 338).

we have been discussing here,¹¹⁶ the fact is that this work largely confirms the conclusions reached by the French scholar on Ibn Ḥazm's logic of understanding. In his view, the interest in accuracy that motivates Ibn Ḥazm's theory of knowledge is similar to that of Descartes, even in his attempt to impart logic in an understandable form, taking no interest in syllogisms as such, as witnessed indeed in *al-Taqrīb li-ḥadd al-mantiq*. For both thinkers, both memory and excessive interpretation steer us away from the truth, and immediate investigation is called for.¹¹⁷ However, the difference between Descartes and Ibn Ḥazm is that the former speaks of a chain of convictions that can be reduced, after a long process of deduction, to one intellectual intuition; while for Ibn Ḥazm this is not the case, since he does not accept the existence of innate intelligible ideas. For him the only spiritual fact of knowledge is understanding (*fahm*)¹¹⁸ itself, or that "rational perception" we saw earlier. This he sees as a kind of intuition that develops in the soul as a result of some sensible perception or a discourse that does not go beyond the limits of sensible experience or language.¹¹⁹ The importance of language to Ibn Ḥazm is, as has been emphasised, decisive, for he does not accept verbal associations, nor the creative value of imagination; words only work within the fixed limits of linguistic intuition: the words contain the thought in themselves. There only remains the value of sensible perception and its rational control, previously explained in the *Taqrīb*, to verify all demonstrations and all knowledge. Despite the limitations of the senses, they are the direct path to knowledge, on which Reason acts instantaneously; so, according to Arnaldez, Ibn Ḥazm comes close to identifying rational intuition with sensible perception by suggesting that there is always reasoning at the

¹¹⁶ I have also used this work by Ibn Ḥazm to study his classification of the sciences and his ideas on poetry and rhetoric. Ibn Ḥazm refers to the *Taqrīb* in two of his most emblematic works, *Fiṣal*, vol. 1, pp. 4 and 25 and vol. 5, pp. 70 and 128, and *Iḥkām*, vol. 5, p. 182.

¹¹⁷ Arnaldez, *Grammaire*, p. 106.

¹¹⁸ Ibn Ḥazm basically uses the terms *fahm*, *ma'rifa* and *ilm* to express the actual act of comprehension, knowledge or human science.

¹¹⁹ Arnaldez, *Grammaire*, p. 107. According to Ibn Ḥazm and to Descartes, thought is produced entirely in the consciousness. The doctrine of the *bāṭin* or hidden meaning of words destroys the language by opening it to continuous doubt and to endless personal interpretations, which lead us away from the Divine Revelation. Against this *bāṭin* Ibn Ḥazm proposes the *ẓāhir*, "what is manifest" which is not the mere apparent meaning of words, but their profound and total, authentic, meaning. Thus his "Cartesianism" consists of the intuition of the verbal essence of words, instead of the intuition of clear and distinct *ideas* that Descartes sought. Ibn Ḥazm's nominalism does not lead to scepticism or relativism, for names, for him, transmit the truth and hide nothing (Arnaldez, *Grammaire*, pp. 64–66).

level of the senses,¹²⁰ although we must not forget that pure knowledge is produced precisely when we make the intellectual abstraction of sensory perceptions. The logical principles accepted by Ibn Ḥazm (the principles of identity, contradiction, *tertio excluso* . . .) mentioned above are applicable exclusively to the sphere of the senses, never to the level of divinity, for human certainty depends on the temporal and spatial boundaries with which God created man, and from which no speech produced by the latter can escape. But nor can we stop knowing, since this impulse comes engraved on our very soul.¹²¹ Here, according to Arnaldez, is where the originality of Ibn Ḥazm lies: his notion of understanding (*fahm*) is very pure, since it is ultimately a divine gift that is based on the powers of the human psyche and, as a divine creation, we cannot explain it by analogy with anything earthly; understanding is not seeing, nor comparing, nor reasoning, but something indefinable in our soul which is beyond the level of perceptions and the combination of their images. It is a phenomenon or a form that we cannot define in its entirety because it is a divine factor. This is how he explains it in *Taqrīb*: first, he confirms the role of all languages to express ideas clearly and fully; then he talks about two kinds of knowledge, i) natural (*bi-ḥiṣṣatihi*), which involves the axiomatic principles of the knowledge with which human logos (*nuṭq*) has been created, driven by the discernment (*tamyīz*) of reason (*ʿaql*);¹²² and ii) sensible, apprehending the qualities of nature, and whose perception is treated by reason itself and transferred to the soul.¹²³ But he adds:

Nobody, however, knows how to achieve perfect knowledge (*ṣiḥḥat maʿrifatihi*) by the means described earlier, since there is no time whatsoever between understanding (*fahm*), discernment (*tamyīz*) and the start of forming a part of memory, on the one hand, and the perfect knowledge of what we have memorized. There is no intermediate time, neither long nor short, nor too little, nor too much, there is no delay at all, but it is a matter of an act of God (*fiʾl Allāh*) on the soul (*fi l-naḥs*). The soul inevitably needs this act, with no possible alternative; nor is it something that occurs in some souls and not in others, but it happens in all souls with the ability to discern (*tamyīz*) and which have no defect.¹²⁴

¹²⁰ Arnaldez, *Grammaire*, p. 128 n. 1.

¹²¹ Ibn Ḥazm, *Fiṣal*, vol. 4, p. 108f.

¹²² As a result of the innate categories that we carry within us we know that the human being will not engender a mule or a camel, but “a body with a pre-determined shape (*shakl*) and endowed with a rational soul (*naḥs nāṭiqa*) which accepts teaching (*taʿlīm*) and which is capable of mastering the arts (*ṣināʾāt*)” (Ibn Ḥazm, “*Taqrīb*,” p. 300).

¹²³ Part VI of “*Taqrīb*,” p. 285.

¹²⁴ Ibn Ḥazm, “*Taqrīb*,” pp. 285–286.

But the phenomenon of knowledge, despite this divine and inexplicable moment, no longer depends unavoidably on the senses. Understanding cannot be pre-existing in the soul, but will be formed over the course of perception, and will retain the echo of sensible forms. Ibn Ḥazm does not develop the theme of determination and the universality of human knowledge as defined by Plato, and taken up again by Kant in his reaction against Hume; but the solution that Ibn Ḥazm gave should be considered at the same level as that of these great philosophers, in the opinion of Arnaldez. If Plato opposed his theory of ideas to the sensuality of Protagoras, and Kant criticized Hume's desire to base the laws of knowledge on psychology, in its turn arising from those laws, Ibn Ḥazm in principle accords the senses a similar value to that given by Hume. However, he is careful not to look for the foundation of human knowledge in the pure order of psychism, but refers to understanding or rational perception (*'aql*) understood as a divine gift that transforms the human soul, giving it the certainty of being unchanging, but without the fictions of the transcendentalism of Kant.¹²⁵

Outside this kind of knowledge, as determined by the divine order, but linked to the causality of the material and sensible world, there is only uncontrolled imagination, which thinks it understands, but is blind. The proof consists of the extension of an initial understanding whose initial motivation is discernment (*tamyīz*), opening a new, still unknown, region of the senses, to incorporate it into the knowledge already acquired. Along with the combination of sensible and rational perception, the nature of language requires, in turn, its laws.¹²⁶ And the fact is that human beings cannot escape the divine institution of language and the organization of the world that it brings with it. If Socrates said it is possible to know what is a man or an animal, but not what is a good horse, Ibn Ḥazm does not accept this,¹²⁷ since for him the human language itself contains ethical meanings, and also aesthetic, as we shall see. This is a kind of apriorism and universalism present in the thought of Ibn Ḥazm, which we may consider as parallel to the limits of the world's natural laws established by the Creator. To think of another world, like thinking of another type of linguistic meaning, is already fiction (*wahm, takhayyul*) with the pejorative connotation this concept has for Ibn Ḥazm.

¹²⁵ Arnaldez, *Grammaire*, pp. 108–110.

¹²⁶ Ibn Ḥazm, *Iḥkām*, vol. 3, p. 9; Arnaldez, *Grammaire*, p. 62f.

¹²⁷ Arnaldez, *Grammaire*, p. 64.

However, it must be said that Ibn Ḥazm's nominalism does not make improper use of words as a subterfuge for forging new abstractions. If Kant in his 1770 *Dissertation* clearly expressed his philosophical revolution by deleting the two levels of knowledge, definitively fixing the level of the intelligible in the plan of sensory knowledge, Ibn Ḥazm—and here we are back with Arnaldez—did something similar. The difference was that for the scholar from Cordoba the structure of the divine institution of language replaces the armour of categories of human thought investigated by Kant.¹²⁸ Arnaldez finds Ibn Ḥazm's critical weakness precisely in the absolute value he gives to language. For us it would be unacceptable and practically inconceivable, outside of a relativity produced by its evolution throughout the centuries, and the differences between human groups; and moreover we would never give it the literalness that Ibn Ḥazm always tries to give it, although it is true that he does not regard language in a purely mechanistic way. Language, sensory perception and insight or rational intuition (*lugha*, *idrāk ḥissī*, *idrāk 'aqlī*) must necessarily coincide when the operation of knowledge is correct; that is, the *ẓāhir*, the evidence, of the argument consists of the convergence of the *ẓāhir* of the senses with the *ẓāhir* of the language, which must converge when no passion, disorder or error assails us.¹²⁹ With this, Ibn Ḥazm achieves his purpose of presenting the irremediable character of the revelation both from the aspect of language and that of the senses; and when something is beyond our rational and sensible knowledge of texts and of the world it is useless and even ungodly, if not madness, even to try to explain it; all the more so to draw binding conclusions.

c) *Importance and Specific Nature of Visual Perception*

Despite the intellectual, spiritual and ultimately divine dimension of the concept of the soul established by Ibn Ḥazm, what is obvious is the highly sensitive nature that he gave to it and to his whole theory of knowledge. Not for nothing does he use the terms *idrāk al-nafs* and *idrāk al-'aql* (perception of the soul and perception of reason) to refer to the act of knowing. His scheme of the mental faculties illustrated above also demonstrates this, since not only conjectural opinion (*ẓann*)—which is not common in the psychological order of the *falāsifa*, although they do include other

¹²⁸ Arnaldez, *Grammaire*, p. 116.

¹²⁹ For a modern defence of the manifest and common meaning of language, see Umberto Eco, "Defensa del sentido literal," *Los límites de la interpretación*, Barcelona 1992, pp. 33–46.

powers—but also common sense (*al-hiss al-mushtarak*), are rejected outright in the phenomenon of knowledge, as is imagination (*takhayyul*), both being linked to error and madness. As for memory (*dhikr*), this is fairly blurred and reduced to a simple sensory image store. The weight of his psychology falls, therefore, on reason and the senses, which are the channel that connects the soul with the material world. In this context and in relation to his idea of an eminently vital and sensitive soul, Ibn Ḥazm highlights in his work one sense above all else: the sense of sight.

In the second part of *Taqrīb*, which deals with Aristotelian categories, Ibn Ḥazm makes some observations on visual perception, especially when discussing the categories of substance (*jawhar*) and quality (*kayfiyya*), which are worth taking into account. First, he defines the colours (*alwān*) and the “forms of all the figures” (*al-ṣuwar fī jamīʿ al-ashkāl*), within the category of *qualitas* (*kayfiyya*); these are the qualities or modes, which may or may not be variable, for some allow opposites and a qualitative graduation, and so they differ from substances or essences, that do not support opposites and graduations. An example of a variable quality which is called “state” (*ḥāl*) is the red produced by a blush, while the red of blood is an invariable quality or constituent “form” (*hayʾa*); as is, says Ibn Ḥazm, the whiteness of the mirror.¹³⁰ The same accidents of the soul, reason and idiocy, love and hate, etc., are also qualities, not essences. Therefore, qualities can be physical or spiritual. Each one can be potential, as the faith of an unbeliever or the blackness of a painting before being painted, or in action, which is what manifests itself and can be apprehended by the senses (*hiss*) and reason (*ʿaql*), as the redness of red, the length of length, the dream of a sleeper, etc. Let us look at what happens with the perception of bodily qualities:

When the physical quality (*al-kayfiyya al-jismāniyya*) is presented to the senses (*hawāss*), it is divided into five classes: 1) what is perceived (*mā yudrak*) by the sense of sight (*hiss al-baṣar*), 2) what is perceived by the ear (*al-samʿ*), 3) perceived by smell (*shamm*), 4) perceived by taste (*dhawq*) and 5) perceived by touch (*lams*), by the hand or the whole body. All these senses are channels to the soul, which is the sensory organ that perceives (*al-nafs hiya al-ḥassāsa al-mudrika*) what the senses transmit to it. These senses are doors, passageways, windows or roads for the soul. Proof of this is that if the soul is blocked or worried about something, all senses are then put out of action, even though they are healthy.¹³¹

¹³⁰ Ibn Ḥazm, “*Taqrīb*,” p. 154.

¹³¹ Ibn Ḥazm, “*Taqrīb*,” p. 157.

Ibn Ḥazm also explains the same idea, in a different context, in his famous treatise on love and lovers, *The Ring of the Dove*, when he affirms the importance of vision in romantic relationships by perceiving and conveying the feelings of the lovers' souls:

The eyes are sometimes messengers and we perceive with them (*yudrak bihā*) what we desire. The four senses (*hawāss*) are open gateways to the heart (*qalb*) and windows to the soul (*naḥs*); but sight (*ʿayn*) is the most reliable and insightful guide, and the one which acts with greatest clarity. It is the faithful leader of the soul, its guide and the transparent mirror in which it sees truths, discerns attributes (*tamyīz al-ṣifāt*) and understands sensory perceptions (*maḥsūsāt*). It is said that what we are told is not the same as what we see. Polemon, the physiognomist, took vision as the basis for his judgments.¹³²

When Ibn Ḥazm explains sensory perception in *Taqrīb*, he defines each of the five senses, but he only stops to take notice of the sense of sight:

What is perceived by the sense of sight (*ḥiss al-baṣar*) is divided into two parts: 1) what is perceived by the direct look of the eye; this is only about colours, and 2) the perception that the soul performs through the intellect (*ʿaql*) and knowledge (*ʿilm*) by means of colour, touch, or both at once, such as the finiteness of length and width; the shape of everything that has a shape, such as circular, square, and so on; motion and rest; the bulkiness or insignificance of a body, and the like.¹³³

The importance of vision lies in the fact that, thanks to the colours of things, the key elements for knowledge are perceived immediately; that is, the shapes and external qualities of things and their state of motion or rest. Touch can replace vision in some aspects, as in the case of the blind, but it will always be more imperfect and subject to limitations such as space and time. Visual and intellectual perceptions are associated in the act of knowledge, which is, as we said, above all a matter of comprehension:

In this way, continues Ibn Ḥazm, what is perceived solely through colour and reason (*ʿaql*) channels to the soul not only the perception of both but also rational understanding (*mā fahima al-ʿaql*) by means of its own perception and visual perception (*idrāk al-baṣar*) together; such is the case of

¹³² Ibn Ḥazm, "Tawq" (Chapter Eight "Of hinting with the eyes"), p. 137; cf. the slightly different translation by Arberry, *The Ring of the Dove*, p. 68f. Philemon/Polemon was the most famous Greek physiognomist (2nd century CE); the Arabs often quoted him and credited him with the following definition of love: "it is a sickness which develops in the spirit, provoked by sight, lodged in the heart, and stimulated by understanding" (note by Iḥsān ʿAbbās, *ibid.*).

¹³³ Ibn Ḥazm, "Taqrīb," p. 157f.

the ideas (*ma'ānī*) that you understand and comprehend in the writing in a book (*al-khaṭṭ fi l-kitāb*), because, with the termination of the colours of each line, you will recognize the composition of letters that gives a concrete meaning (*ma'nān*); or when you know, by the outward appearance (*hay'a*) of a person, whether they are ashamed, frightened, happy, content, or whether you are dealing with a king, a scholar or otherwise.¹³⁴

Colours offer us the basic data to identify the attributes and qualities (*ṣifāt*) of things and inform our rational intellect and our soul. Although Ibn Ḥazm says that this is not the right place to discuss what vision is, he offers some ideas to bear in mind in his treatise on logic, which will later be further enriched from other works of his. Ibn Ḥazm says the following about it:

Those who are looking (*al-nāẓirīn*) emit two rays (*khaṭṭānī*) that instantly fall on the object seen (*mar'ī*), and in them is formed that object, given that the viewer has the ability to perceive all the colours (*qubūl li-jamī' al-abwān*). We said “instantly,” without the passing of any time, because they can see the stars in the distant celestial spheres just by blinking their eyes, without any lapse of time. Similarly, closing the eyes first and then opening them, they see the closest things just as they have seen the stars, but not more rapidly. This shows we see without any intervening time. Also, if many objects stand in the way of a distantly-seen object, the vision does not pause there, either because of the darkness that surrounds them, or because of the similarity between the colours. If they covered such distances in a temporal movement, then they would see the nearest things before the furthest.¹³⁵

These two rays follow a theory that is not unique to Ibn Ḥazm and which he considers acceptable in comparison with the “other theory of some ancients.”¹³⁶ “if we intentionally direct them with one mirror facing

¹³⁴ Ibid., vol. 5, p. 158. In *Fīṣal*, vol. 5, p. 58, he emphasises the inevitable mediation of colour in visual perception: “in the natural world vision does not stop before anything that is not coloured; we know that movement has no colour, but we cannot perceive it unless we see the colour move from one place to another; and so we understand that the object with that colour has moved.”

¹³⁵ Ibn Ḥazm, *Fīṣal*, vol. 5, p. 158.

¹³⁶ Among the theories of the ancients to which Ibn Ḥazm may be referring is that of Pythagoras, according to which vision is produced by a substance emanating from the illuminated body and which enters the eye, causing vision; also, the theory of Plato's school which talks about the conjunction of a “sacred fire” emanating from the eye with a lighted “something” that comes from within bodies. Both of them join a solar ray, and then pass into the eye. Aristotle, for his part, denied the materiality of light, understanding it as a quality of the transparent medium located between the eye and objects, which is also a support for the visual rays. But it was the great Muslim optician Ibn al-Haytham (ca. 965–1039), a contemporary of Ibn Ḥazm, who completely renewed these theories, including the theory followed by Ibn Ḥazm: he based the problem of visual perception on the issue of light, which illuminates the object and transmits its forms to the eye, describing in detail for the first time

another, the visual power (*quwwat al-naẓar*) returns (*taridd*) to the back of the neck of the observer. These two lines are also reflected on rising steam, on water and similar surfaces. In the mirror, moreover, the reflection (*yan'akis*) of the two lines allows the vision of our own face. It is like when the voice of one who shouts at a mountain is reflected when it hits the obstacle and returns to the ear of whoever issued it, and thus he hears his own voice as if someone else was speaking, responding with his own words".¹³⁷ He also explains the same idea in *The Ring of the Dove* with slight variations: he speaks of the perceptive power of the eye (*quwwat idrāk al-'ayn*) which emits a ray (*shu'ā'*) that comes into contact with surfaces, and, when it meets a polished surface of iron, glass or water, sparkling and bright, the ray from the eye penetrates deep into that surface, until it reaches the place where the polished body is in contact with an opaque solid; and then the ray of the eye reflects, so that the viewer can see his own image. The explanation he now gives the view of the back of the neck of the observer using two mirrors is that the "eye light" (*in'ikās ḍaw' al-'ayn*) is reflected because it can find no escape, first in the first mirror and then in the second; so that the light returns to the place of origin, to the eye.¹³⁸ This "luminosity" of visual perception is precisely what makes the sense of sight the most important of all the senses:

The excellence of sight is that its essence (*jawhar*) occupies the most eminent rank among all essences, since it belongs to light (*nūriyya*). Sight (*baṣar*) is essential to perceive colours (*alwān*). Nothing has greater scope nor can go further, because with it can be seen the bodies of the stars that are in the distant celestial spheres, also the sky despite its immense height and distance, which is due the fact that its natural characteristics are similar to this celestial mirror; thus it perceives such things (*bi-l-tafr*), without pauses, or stopping at certain places, or by transmission of movement; this does not happen with other senses, such as taste or touch, which perceive only by contact, or hearing and smell, which can only receive from nearby. The proof of what we have said about perception *per saltum*, is that you see the sender of a sound before the sound, even though both senses perceive together; if the perception of both were the same, sight would not come before hearing.¹³⁹

the optical organ, and establishing a detailed and complex experimental and logical theory about the phenomenon of light (Ibn al-Haytham, *Kitāb al-Manāẓir*, ed. 'Abd al-Ḥamīd Šabra, Kuwait 1983, 1st Maqāla; on p. 60 he criticizes the confusion and inaccuracy of the ancient theories, distancing himself both from mathematicians, such as Euclid and Ptolemy, and from philosophers, as in Aristotle's case, and physicians such as Galen).

¹³⁷ Ibn Ḥazm, "Taqrīb," p. 159.

¹³⁸ Ibn Ḥazm, "Ṭawq," p. 137.

¹³⁹ Ibn Ḥazm, "Ṭawq," p. 138; cf. the slightly different translation by Arberry, *The Ring of the Dove*, p. 69f. This same idea of perception *per saltum* appears in Ibn Ḥazm, *Fīṣal*, vol. 5,

In *Taqrīb*, Ibn Ḥazm also explains the difference between vision and hearing, based on the time of action of the two senses. For, while vision instantly captures things, hearing requires a time for perception depending on the distance from the issuing agent, as evidenced by the classic example of thunder and lightning, where sight is the first to perceive the lightning flash just as it occurs, while the arrival of the sound of thunder to our ears is delayed by a few moments.¹⁴⁰ As in the case of vision, Ibn Ḥazm distinguishes between two types of hearing: one which is direct, through the organ of hearing, and the other intellectual which is the one that reaches the soul also passing through reasoning (*‘aql*) and knowledge (*‘ilm*), as happens in melodic composition (*ta’tīf al-luḥūn*), tonal combination (*tarkīb al-naḡham*), the ideas of a discourse that we hear (*ma‘ānī l-kalām al-masmū‘*) and the like.¹⁴¹ Thanks to the ear we can hear the word of God transmitted by the Prophet; we can hear someone we cannot see or who lived in the past, the rhetoricians and poets and, in short, all those who tell us something orally. With the assistance of the rational intellect, besides, this sense allows us to distinguish the type of issuer of the sounds, its characteristics, etc. Ibn Ḥazm also devotes some comments to the other senses, but only minimally and only to indicate their specific functions.¹⁴²

In the light of these reflections by Ibn Ḥazm, we should emphasise the greater simplicity and immediacy of his theory of perception compared with the *falāsifa*, who always speak of intermediate powers between sensory perceptions and insights of the soul; and the leading role he gives to vision in his theory of perception and thus, in his theory of knowledge,

pp. 64–65, trad. Asín Palacios, *Abenházam*, vol. 5, p. 234f; Asín finds the same idea in the *Summa theologiae* of Thomas Aquinas, p. 10, q. 63, a. 5, c. et al.: “In eodem instanti est illuminatio aëris, visio coloris, et discretio rei visae”. García Gómez reads “percepción instantánea” (instantaneous perception) instead of “por salto” (in one leap) (*Collar*, p. 141).

¹⁴⁰ Ibn Ḥazm, “*Taqrīb*,” p. 159. Ibn al-Haytham theorizes at length over the idea opposite to Ibn Ḥazm’s, i.e. that the perception of light requires some time, although it remains hidden from our senses (*Kitāb al-Manāẓir*. 2nd Maqāla, pp. 238–243). The general conditions Ibn al-Haytham set for visual perception are as follows: a minimum distance between recipient and object, the two must be face-to-face, there must be a straight line between every point on the surface and the eye; an internal or external light (*daw’*) should illuminate the object, its volume must be of a size that the sight can take in; the space between the eye and the object must be transparent and devoid of obstacles; the object must have a minimum density higher than that of the intervening atmosphere, for everything that has colour has density; in addition, the visual organ must be perfectly healthy (Ibn al Haytham, *Kitāb al-Manāẓir*, p. 69f).

¹⁴¹ Ibn Ḥazm, “*Taqrīb*,” p. 159f.

¹⁴² Ibn Ḥazm, “*Taqrīb*,” p. 161.

placing second the sense of hearing, which, together with sight, is a fundamental sense in the transmission of linguistic messages and, therefore, of the revelation and all kinds of ideas and concepts. The other senses have a more limited field, sometimes helping the other two, which they replace to some extent in the case of physical defect, but do not have the ability to nourish the soul in the same way as sight and hearing. Finally, as Ibn Ḥazm himself does, the direct regulatory function of the *‘aql* in each of the five kinds of sense perception should be noted, broadening them, making them more accurate and joining together the experience of the different senses: “reason (*‘aql*) is associated with all the senses in their perceptions, but it is reason alone who informs us of many other things and has an overall perception.”¹⁴³

As for the concept of form (*ṣūra*), it must be said that it does not play such a prominent role in the work of Ibn Ḥazm as in the work of the *falāsifa*, since the latter, as well as incorporating into their dialectic the Aristotelian binomial of matter/form, which is essentially what Ibn Ḥazm has in mind here, resort in their psychology to the concept of *ṣūra* as a form or image set in the mind, and which plays a decisive role in their theory of knowledge and in their poetry. We shall not find this in Ibn Ḥazm’s theory of perception and knowledge, not even in the way in which Ibn al-Haytham does in his theory of visual perception. For Ibn Ḥazm it is enough to define form (*ṣūra*) as “a quality (*kayfiyya*) consisting of the mixture of substances (*takhlīṭ al-jawāhir*) with those which it forms (*tashakkuluhā*). It is divided into two classes: one permanent, like the universal form (*al-ṣūra al-kullīyya*), which is absolutely inseparable from substances (*jawāhir*), and does not exist without them; nor can substances be imagined (*tutawahham*) devoid of form. And the other is the form whose characteristics and peculiarities follow one another on substances, as, for example with a triangular object, which then becomes a square and so on. Form is, therefore, an accident (*‘araḍ*).”¹⁴⁴ Outside this logical concept of form situated at the tangible level of visible reality, and which we only know from what the senses tell us, there are no more ways except those of the imagination, which Ibn Ḥazm completely discounts from his theory

¹⁴³ Ibn Ḥazm, “*Taqrīb*,” p. 161.

¹⁴⁴ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 71, Asín Palacios, *Abenházam*, vol. 5, p. 246. Cf. Sālim Yafūt, *Ibn Ḥazm wa-l-fikr al-falsafi*, p. 342f. In *al-Uṣūl wa-l-furū‘* he gives us a similar definition: “form is, without a doubt, a quality which, in turn, is a feature; but it is an inseparable feature, characteristic and stable in bodies, according to the bodies’ own stability. Proof of this is the succession of different forms in the same body, which shows that it is like the other qualities” (*al-Uṣūl wa-l-furū‘*, p. 22).

of knowledge,¹⁴⁵ or the unknown forms of which the sacred texts tell us. Ibn Ḥazm is adamant about the production of forms from an imaginary viewpoint:

The only duty of the person is to help the truth and make it clear; he must not give form (*yuṣawwir*) either for the senses or for the souls (*hawāss*) to what cannot be formally represented (*taṣwīr*); such as the one who affirms that the First One has no essence, characteristics or body, that He is beyond time and space and is not the depositary or the support of anything, and who wants his opponent to represent these statements figuratively (*yushak-kil lahu*), being something unprovable.¹⁴⁶

To try to impose or imagine forms that are not there is like trying to get a blind man to imagine (*yuṣawwir*) colours without having ever seen them. It is simply impossible. Another thing is what one of his masters did, when he painted (*ṣawwara*) the letters of the alphabet in relief with tar for a boy born blind; he managed to learn the names and reading by touch, simultaneously using his senses (*ḥiss*) and his intellect (*‘aql*).¹⁴⁷ Thus, the art form, as expressed by Ibn Ḥazm in his comments on poetry or in his allusions to calligraphy and music, only makes sense when it illustrates truths and does not fall into the sea of unbridled imagination, when, above all, it is useful for ethics. Such rejection of imaginary forms does not extend, however, to those which are mentioned in the sacred texts. Ibn Ḥazm states that the spiritual forms mentioned in the Scriptures really exist, and that we must believe this just because the revealed texts say so. The Qur’anic verses in which it states “forms into which air was breathed” (*wa-nufikha fī l-ṣuwar*) refer to actually existing forms,¹⁴⁸ just as the visions alluding to the nocturnal ascent (*isrā’*) and Paradise must be accepted as such, being transmitted by the sacred texts; but one should avoid any further speculations in this regard, such as mysticism, for they are pure imaginary delusion and far from any possibility of truth.¹⁴⁹ The concept of *ṣūra* in the sense of internal image is restricted as far as possible in the thought of Ibn Ḥazm, although he reserves the term to define form within logic. His psychology at the service of rational certainty consequently ignores imagination and, in the field of visual perception, he shows much more

¹⁴⁵ Arnaldez, *Grammaire*, p. 111.

¹⁴⁶ Ibn Ḥazm, “Taqīb,” p. 334f.

¹⁴⁷ Ibid.

¹⁴⁸ Ibn Ḥazm, “Risāla fī ḥukm man qāla inna arwāḥ ahl al-shaqā’ mu’adhdhaba ilā yawm al-dīn,” *Rasā’il Ibn Ḥazm*, ed. Iḥsān ‘Abbās, vol. 3, pp. 220–221.

¹⁴⁹ Ibid., pp. 219ff.

interest in the concept of colour than that of form, giving the former a decisive role in his theory of perception.

d) *Ibn Ḥazm's Theory of Colours and Classical Arabic Physics*

The subject of colour is important, both in the field of physics and in that of aesthetics. Although scientific research into colour as a physical phenomenon received its crucial boost with the work of Newton, the widely-known fact is that in classical Islamic Arab culture ideas were put forward, not only theoretical but also experimental, with great accuracy and importance to the development of modern physics, which they anticipated both quantitatively and qualitatively. Before Newton formulated his chromatic theory defining light decomposing through a prism into its basic colours, and rebuilding white light with the colours that make up the solar spectrum, Muslim scholars like Ibn al Haytham (Alhazen, d. 1039 CE), Ibn Sīnā (980–1037 CE), and Kamāl al-Dīn al-Fārisī (8th–9th c. CE),¹⁵⁰ developed a series of theories and experiments on the phenomenon of light and colour which were of great importance in the history of science. Ibn Ḥazm, a contemporary of the first two scholars, also analysed some theories in common with them; but his contributions lack the experimental system and breadth, especially of Ibn al-Haytham, who was considered the greatest optical scientist throughout the Middle Ages, and who, being translated into Latin, had a profound influence in Europe in this field and in aesthetics. The work of al-Fārisī is also important, for two centuries later he reviewed and corrected the optical theory of Ibn al-Haytham with new contributions.¹⁵¹ Ibn Ḥazm's remains at a much more modest level in this area, but his concept of colour needs to be studied in order to outline his theory of perception and knowledge, and better to understand his aesthetics.

The theme of colour recurs profusely throughout the work of Ibn Ḥazm from different angles of discussion. On one hand, it is shown as an example in logic to define accidents and categories, especially *qualitas*. On the other, it is a recurring motif used to express the relationship between *lafẓ* and *ma'nā* in language, and becomes, in addition, a fundamental touchstone in his theory of perception, forming an inseparable part of his explanation of visual perception and knowledge. Ibn Ḥazm therefore pays

¹⁵⁰ Maḥmūd Amḥaz has provided an interesting summary of the colour theories of these scholars in his article "al-Lawn fi kitābī al-falāsifa wa-ʿulamāʾ al-ṭabīʿa l-muslimīn," *al-Ḥayāt* (London) 29–31 August 1990, p. 13.

¹⁵¹ For more on this, see below in section 3.6.

close attention to the definition of the colours in themselves and to the phenomenon of light. As an illustration of his arguments in the realm of language, in *Iḥkām* Ibn Ḥazm uses the term *lawn* (colour) as a generic prototype, including different species (green, blue, red, yellow, etc.) to support his inalienable theory that when the Qurʾān uses a particular name, you must understand the semantic variety it contains, however polysemic it may be, but without overstepping the known and obvious limits of the language. If the Qurʾān speaks of *lawn*, no one has the right to interpret it as one particular colour and not any other.¹⁵²

The fact that there is such precision in language, or adaptation of *lafẓ* and *maʿnā* (expression and content), does not mean there are no phenomena of nominal derivation like those of poetic language, as is the case of metaphors based on the names of colours: the sunset is called red, but, says Ibn Ḥazm, this resource is something that transcends the exact lexical meaning and belongs to the domain of poets, who have accustomed us to such denominations and images, that are no more than similes.¹⁵³ The lexical value of *lawn*, or any other word, perfectly fits its logical value and, as we shall see, its physical reality; in other words, language, reason and sense perception must always agree in Ibn Ḥazm's scheme of thinking. Hence, when Ibn Ḥazm speaks of logical categories, specifically of *kayfiyya* (*qualitas*), his definition of colour is again in line with his theory of language: there are qualities that are more or less intense or weak than others, as happens with the colours: the colour of a thing can be, as a quality, more or less intense than the colour of another, which implies the existence of intermediate colours and the ability to mix. But there is no qualitative gradation within components of the same genus and species, that is, "cannot say that one colour is more colour than another colour, since both are already coloured, although here we are not referring to gloss (*ishrāq*) or matt (*inkisār*); Nor is there a truth that is truer than another, nor one lie more lie than another . . ." ¹⁵⁴ The exception of gloss and matt suggests that, obviously, it is possible to differentiate between

¹⁵² Ibn Ḥazm, *Iḥkām*, vol. 3, p. 3f. On this subject, cf. Arnaldez, *Grammaire*, p. 53.

¹⁵³ Ibn Ḥazm, *Iḥkām*, vol. 2, p. 63f.

¹⁵⁴ Ibn Ḥazm, "Taqrīb," p. 154f. Speaking of quantity, he notes that the common saying "very white or not very white" does not mean that the qualities have anything to do with quantity, but that what happens is that the colour is on the surface of the body that bears it, and in that case the amount applied to the surface is stained white, which may be more or less, but not the actual colour itself.

colours which are more or less bright than others.¹⁵⁵ Within the genus *colour*, to each colour-specific name, there corresponds only the colour that indicates its name and nothing more, since with the slightest mixing another name should be used. In other words, we are faced with another colour, or with a mixture that should not be designated by the original term.¹⁵⁶ This does not prevent each individual or peculiarity from having its own special kind of white, red or whatever colour, since colours are qualities like speed, courage or lies: in other words, “a species belonging to *qualitas* and, at the same time, a genre in relation to what is included: white, red, green or yellow, which are species belonging to colour, which have for their part, many individual varieties.”¹⁵⁷

The colours are therefore accidents. In *Fiṣal*, just after defining his theory of visual perception *per saltum*, and commenting on the term “man,” he deals with the concepts of essence (*jawhar*) and accident (*‘araḍ*), using colour as the example of an accident.¹⁵⁸ The first thing he does is to reject Hishām b. al-Ḥasan (d. 190/805), a famous Shī‘ī of Kufa, for saying that in the world there are no accidents, only bodies, hence colours would be three-dimensional bodies. For Ibn Ḥazm the material world consists of essences or bodies and accidents.¹⁵⁹ Bodies are defined as surviving by themselves and occupying their own space, while accidents are changing and must have a body or substance to support them. The same body may have different colours in succession just by receiving successive pigments

¹⁵⁵ Ibn Ḥazm himself admits that “some accidents can support other accidents, as when we talk about a brilliant red (*humra mushriqa*), dark red (*humra khaḍra*), a good or bad work, a more or less intense force, and many other similar things” (Ibn Ḥazm, *Fiṣal*, vol. 5, p. 47).

¹⁵⁶ Ibn Ḥazm, “*Taqrib*,” p. 155. Curiously, although Ibn Ḥazm elsewhere devoted a whole chapter to proving that black is not a colour, he makes the following comment on this same page of *al-Taqrīb*: “There is not one black (*sawād*) more intense than another, unless white is added to it and makes it paler, or something red, green or yellow.” In other words, although he does not consider black to be a colour, he does admit the possibility of its being mixed with colours.

¹⁵⁷ Ibn Ḥazm, “*Taqrib*,” p. 156. The whiteness of Khālīd is not the same as that of Muḥammad, although the meaning (*ma‘nā*) of the term (*lafẓ*) whiteness (*bayāḍ*) is always the same, just as the clothes of Zayd are not the same clothes as those of Khālīd, or the science of one does not agree with the science of the other, and so on, in spite of all receiving the same name.

¹⁵⁸ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 66ff.; Asín Palacios, *Abenḥázam*, vol. 5, pp. 238ff. The same theory of accidents and essence is developed with hardly any changes in *al-Uṣūl wa-l-furū‘*, pp. 18ff.

¹⁵⁹ Substance or essence (*jawhar*) and body (*jism*) are the same; “they are two words with the same meaning” (Ibn Ḥazm, *Fiṣal*, vol. 5, p. 69; trans. Asín Palacios, *Abenḥázam*, vol. 5, p. 242).

(*aṣbāgh*). Each sensory perception has its own accidents, which do not occupy any space, since it is the body that receives it who occupies the space: accidents of vision (*baṣar*) are the colour, since we only see what is coloured; the accident of smell, for example, is both a good and a bad smell, just as accidents of taste are its sweet or bitter perceptions; accidents of hearing are “beautiful or ugly sounds” (*ḥusn al-ṣawt wa-qubḥihi*), cold or heat are those of touch, etc.¹⁶⁰ Ibn Ḥazm rejects other theories, such as that of bodies as the sum of accidents, concluding that both reason and the senses have no hesitation in saying that there are only two kinds of beings, God and His creation, and that this is composed exclusively of bodies and accidents. Colours in this context are critical, since they tell us of the shapes and limits of bodies, although they themselves completely lack entity apart from the corporeal support on which they are manifested.¹⁶¹ In Book V of *Fiṣal*, Ibn Ḥazm dedicates a chapter to the subject of colours (*al-kalām ‘alā l-alwān*), where he deals, above all, with proving that black is not a colour, but at the same time studies the phenomenon of colour in general, combining minimal sensory experience with logic and thus managing to expand and refine his theory of visual perception and the basic function of light and colour within it.¹⁶²

The colour of the natural elements. Ibn Ḥazm begins his “physical” analysis of the phenomenon of colour by defining without any preamble the colour of the four elements which make up the material world: 1) For him, the earth is greyish or earthy (*ghabrā’*), although part of it is also red (*ḥamrā’*), white (*bayḍā’*), yellow (*ṣafrā’*), green (*khaḍrā’*), black (*sawdā’*) and multi-coloured (*muwashshāt*); 2) all water is white (*abyaḍ*), although it takes the colour of the recipient it is in, due to its great purity (*ṣafā’*);

¹⁶⁰ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 67.

¹⁶¹ Ibn Ḥazm argues in several of his works that nature is incompatible with the existence of a void, as well as the impossibility of the existence of infinite bodies; cf. Ibn Ḥazm, *Fiṣal*, vol. 5, p. 70f.; Asín Palacios, *Abenḥázam*, vol. 5, p. 245f.; *al-Uṣūl wa-l-furū’*, p. 20f.

¹⁶² Ibn Ḥazm, *Fiṣal*, vol. 5, pp. 136–140, trans. Asín Palacios, *Abenḥázam*, vol. 5, pp. 362–369. The first thing that strikes us is that this study of colours is included as the penultimate chapter of his great treatise on the history and criticism of religions, and not directly linked with the rest of the work; moreover, it seems to be suddenly interrupted before it is complete. Asín Palacios mentions this chapter and the one that closes the work devoted to the subject of the generation of living beings as two *physical* issues that the author inserts after some long treatises on scholastic subtleties. Iḥṣān ‘Abbās says, moreover, that sources cite an epistle by Ibn Ḥazm that has not reached us on “The question of whether or not black is a colour” and is probably the same part of *Fiṣal*; *Rasā’il Ibn Ḥazm al-Andalusī*, vol. 1, p. 14; the original title of the epistle quoted is *Mas’ala ḥal al-sawād lawn am-lā*. As far as I have been able to determine, the book entitled *Risālat al-Ahwān* of Ibn Ḥazm al-Andalusī, published in Riyadh in 1979, is an edition of the chapter of *Fiṣal* studied here.

we say it is white for two reasons, for if it is poured through the air its pure whiteness (*ṣafā l-bayād*) can be seen, and because when it turns to snow its whiteness appears intensified (*shadīd al-bayād*); the air is colourless and therefore invisible, “since only colours can be seen” (*lā yurā illā l-lawn*). For some, this is because the air covers or blocks the sense of sight (*baṣar*), which is absurd, warns Ibn Ḥazm, since if anyone submerges himself in pure water and opens his eyes, he will see the water, even though it is covering his eyes, while the air is invisible. As to what is seen when a ray of sunshine (*ḍiyā’ al-shams*) breaks through a hole, it must be said that these are the bodies (*ajsām*) that always break down into particles called *habā’* (airborne dust), which fill the beam of light (*khaṭṭ ḍiyā’ al-shams*) and look grey (*ghabrā*). This dust is in houses and comes from the decomposition of the earth, it is on clothing, on human bodies and all other bodies, although because it is so fine it is imperceptible until a sunbeam shines through it (*khaṭṭ al-shams*); 4) fire is also invisible and has no colour of its own; the fire we see in wood, the wick of the lamp and in everything that burns, is the humidity (*ruṭūbāt*) of the bodies being burned, which turns to air due to combustion. And, since there is igneity (*nāriyya*) in the air, they take the colours that their nature allows, and so we see green, violet, red, white or yellow. The same phenomenon, says Ibn Ḥazm, occurs with the atmospheric humidity which gives birth to the rainbow.¹⁶³

Black is not a colour. Once he has established the colours of the natural elements, Ibn Ḥazm goes on to discuss the actual definition of colour and visual perception on a clearly tactile basis. He says that all the ancient authors, after deep logical deliberation, agree that “only colours are seen, and everything is nothing but colour;” then “they define the colour white,

¹⁶³ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 136f; Asín Palacios, *Abenḥázam*, vol. 5, p. 362f. Ibn Sida of Murcia (1007–1066), following his usual sources, namely al-Khalil, Ibn Durayd, Ibn al-Sikkīt, Ibn Jinnī, etc., compiled a sizeable Arabic lexicon of colours, with special attention to the terms relating to the purity of colour, the different classes of white, the admixture of white to each of the colours, their paleness, darkness, dirtiness, stains, etc., and stops above all to consider the terminology relative to the brilliance of colours (*barīq al-abwān wa-ishraquhu*). Although he does not develop any theory of colour, he does consider it to be a quality of bodies (*ṣifat al-jism*); that is, that “form that the sight perceives as red, yellow or another type”; for him black is also a colour. The *etyma* offered by Ibn Sida relating to brightness and brilliance are categorised along aesthetic lines: *izhār*: to radiate, said of a face, a lamp or the moon; to twinkle (*tala’la’a*); to shine (*ashraqa*); to be beautiful (*ḥasuna*); to be white (*ibyaḍḍa*); “every pale colour is pure, bright and luminous”; *naḍra* (lushness, splendour): beauty and comeliness (*al-ḥusn wa-l-rawnaq*); *raḥraha* (shine, lustre): stunning beauty (*ḥusn baṣīṣ*)... (Ibn Sida, *al-Mujaṣṣaṣ*, vol. 2, Beirut n.d., pp. 103–112; also in *Iḥṣāh*, Ch. 22, pp. 1319–1337).

saying it is a colour that disperses the sight (*yufarriq al-başar*) and saying that black is a colour that gathers it (*yajma' al-başar*).¹⁶⁴ In fact, Ibn Ḥazm points out, it is a typical definition of the common people and, with respect to the concept “gathers the light” applied to black, his feeling is that it “gathers sight within the observer” (*nāẓir*), preventing it from spreading, and preventing visible things from taking form (*tashakkul al-mar'yyāt*); this leads us to conclude that black prevents vision and hinders perception (*idrāk*); hence, [in Arabic] the blind are called *makfūf* (handicapped).¹⁶⁵ In short, “what is black is invisible; if it were visible it would not pick up the ray from the eye (*khatt al-başar*), since vision (*ru'ya*) requires the expansion of light; hence, if black is invisible it is not a colour, since all colour is visible.”¹⁶⁶ This logical demonstration (*burhān 'aqlī*) is completed by means of a sensible demonstration (*burhān ḥissī*): total darkness (*ẓulma*) is exactly the same for the blind, with their eyes closed, as for those who have healthy vision and their eyes wide open: so the darkness is invisible. The senses also show that the darkness is blackness itself: if in a closed room we open two holes and hang a black curtain over one of them, leaving the other open, anyone looking from a distance will not tell any difference between them; however, if we put a curtain of red, yellow or white, the observer will see the difference perfectly from both far and near. Darkness and blackness are the same thing. Another sensory proof (*burhān ḥissī*): when the visual rays (*khuṭūṭ al-başar*) go straight, they must necessarily come to rest on something, as long as no obstacles prevent them from continuing; but if someone standing in the dark has a wall in front of him, he will not see it, whether or not there is another wall blocking it; from which it follows that darkness is invisible, and moreover impedes vision, so that darkness and blackness are identical and “no-one can refute it either through physics (*ṭabī'a*), nor by the

¹⁶⁴ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 137. Muslim physicists such as Ibn al-Haytham and al-Fārīsī understood that the colour white is caused by the reflection of light on opaque bodies in a transparent medium, while black “was born from the purely opaque and the total absence of light,” as defined by Ibn al-Haytham (Amhaz, “al-Lawn,” p. 13). Currently, both white and black are considered colours; sunlight is composed of many radiations of different wavelengths; an area may simply reflect the totality of these radiations and, then it is called *white*, or else it absorbs all incident light and is called *black*. It can also absorb some radiation, reflecting only the rest, when a colour appears due to the combination of these radiations; red, for example, is produced in a substance that absorbs all or a large proportion of the radiation except red. Contemporary physics simply understands colour as the way a substance reacts to light, absorbing or reflecting rays of light.

¹⁶⁵ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 137.

¹⁶⁶ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 137.

revealed law (*sharīʿa*), nor by linguistic significance (*maʿnā l-lūgha*), nor by sensory observation (*mushāhada*); in other words, black is not seen, nor is it a colour.¹⁶⁷

The error of those who believe that black can be seen arises from the fact that the observer perceives (*aḥassa*) that the visual rays (*khuṭūṭ al-baṣar*) land on the various colours surrounding the black and, noting the coloured boundaries that surround the black, believes that he sees it. It is the same serious mistake made by those who think they can see the movement and repose of bodies. If it is argued that we can see how a black object stands out and thus see the blackness, what actually happens is that the visual ray from the observer trips and stops at that protuberance, while the remaining visual rays are extended to touch the deepest surfaces of that body, with the result that the soul makes the inattentive observer imagine (*tūhīmu*) that he is directly perceiving the black. They also believe black can be seen when mixed with red, grey, green, yellow or blue, but this is not so; because what the eye sees on the surface of bodies are those colours with more or less intense hues (*ʿalā quwwatihā wa-ḍuʿfiḥā*) having been mixed with black. Still others, believe they see black saying “we can distinguish bright and shining black from matt and opaque black”. This subject deserves, says Ibn ʿĤazm, to be closely considered: a thing is smooth (*amlas*) when it has a surface (*saṭḥ*) with all its parts of the same relief, and rough (*khushūna*) when its parts are unequal; but we note that there is shiny smooth (*amlas lammāʿ^{ʿān}*) and matt smooth (*amlas kadar^{an}*); so lustre and shine (*al-baṣīṣ wa-l-lamaʿ^{ʿān}*) do not depend on whether the surface is smooth or not and, since lustre (*al-baṣīṣ*) is visible, they must necessarily be colours in themselves, but supported by objects of red, yellow or any other colour, or even by a colourless object. So when we talk about shiny black (*aswād lammāʿ^ʿ*), the only colour that the item in question has is the shine (*lamaʿ^{ʿān}*), which is indeed a true colour, and it will be the shininess of a body devoid of any of the other colours or mixtures. It is exactly the same as happens to matt (*kadara*), which is also a colour in itself, and different from other colours, as perceived by the eye; and the latter can only perceive colours.¹⁶⁸ Nor is it right if someone says he can perfectly distinguish the threads and reliefs that form the fabric of a black garment: what happens is that our visual

¹⁶⁷ Ibn ʿĤazm, *Fiṣal*, vol. 5, p. 137f.; Asín Palacios, *Abenházam*, vol. 5, p. 364f.

¹⁶⁸ Ibn ʿĤazm, *Fiṣal*, vol. 5, p. 138f.; Asín Palacios, *Abenházam*, vol. 5, pp. 364–366.

rays encounter that matter devoid of colour, while the rays that do not stop go on until they land on another object or reach the sky.

Thus, his theory of visual perception, and hence of knowledge, has an essentially tactile component, and aims for tangibility. This is particularly clear when he explains his theory of light in relation to colour theory:

Light (*nūr*) is the colour (*lawn*) naturally capable of expanding the potential of the observer (*quwwat al-nāẓir*) and realising the potential of sight (*quwā l-baṣar*), to the point that if it meets a visual organ which is weak by nature or by some accident, it draws out all its visual power and steals it and takes away completely. According to the varying intensity of light in a colour that is seen, the vision of that colour will also be greater or less. Experience has shown that the lower the amount of light in a colour, the less it is seen (*ru'ya*), to the point that if it is missing entirely, and there remains no light in the colour, the visual rays cannot reach it and the eye cannot see it, because there is no light left in that colour. No sense in the world will disagree that pure black has absolutely no light and, if there is no doubt about this, nor is there that it is invisible.¹⁶⁹

In this text, Ibn Ḥazm identifies light and colour: only that which has colour is perceived, and colour is visible only in combination with light. There can therefore be no vision without light and, moreover, the greater or lesser intensity of colours depends on the intensity of light. Along with this idea, which essentially coincides with Arabic classical optics, Ibn Ḥazm introduces his theory of ocular rays, and explains the expansive function that light has on them and on colours themselves, causing them to be perceived with greater sharpness. Ibn Ḥazm also observes some colour grading on the basis of white, as he explains it by commenting that the discomfort felt by the sleepy-eyed before white is greater than that before darkness or black, and will depend on the proportion of white in the colour before him (*'alā qadrihimā fi l-lawn min mumāzajat al-bayāḍ lahu*); yellow has more whiteness than red, red than green, etc.¹⁷⁰

¹⁶⁹ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 139; trans. Asín Palacios, *Abenházam*, vol. 5, p. 367.

¹⁷⁰ Ibn Ḥazm, *Fiṣal*, vol. 5, p. 140; Asín Palacios, *Abenházam*, vol. 5, p. 368f. Kamāl al-Dīn al-Fārisī in his *Kitāb Tanqīḥ al-manāẓir* later explained more precisely the colour gradation between white and black, based on the idea that all colours depend on transparency, density, light and shadow; the colours tend towards black with an increase of their dense parts and those parts devoid of light, until they turn into black or the absolute lack of light; on that scale, the graduation of red would, first, give pink, khaki, purple and violet; sky-blue becomes turquoise, lapis lazuli, indigo and navy blue, and so on with the other primary colours. Al-Fārisī analyzes the mixing of colours, only referred to in passing by Ibn Ḥazm: starting from the basic colours, other colours can be obtained on an unlimited basis, such as green by combining yellow with black or blue, a phenomenon observed in plants and animals, surprising us by their variety even in the tiniest bodies (cf. Amhaz, "al-Lawn," p. 13).

As for the colour theory of other scholars of Islam, we must say that the physics of Ibn al-Haytham, and the later commentary of al-Fārisī, present considerable differences from Ibn Ḥazm and offer, above all, a much more sophisticated theory of the physics of light, backed by experiments. One of the differences between Ibn al-Haytham and Ibn Ḥazm, although later al-Fārisī would agree with the Cordoban scholar, contradicting the author of *Kitāb al-Manāẓir*, is that, to Ibn al-Haytham, colours have a distinct entity, although they must have light in order to be perceived; even though they need light to spread, according to the laws of reflection and refraction, colours can expand by themselves in a transparent medium, although only light makes them visible to us. In their optical theories Ibn al-Haytham, like al-Fārisī, but not Ibn Ḥazm, concede an important place to the concept of form or image of colour and light, and their formation in the organ of sight. Ibn al-Haytham says that the light that hits a body is reflected by the colour it meets; and the image of the colour (*ṣūrat al-lawn*) is reflected from the body until it reaches the vision infused with light. Thus the coloured light and illuminated colours are perceived and, each of them is captured only as a form or image (*ṣūra*) on a surface, however minimal it may be, and at a determined time, however imperceptible it may be;¹⁷¹ this too was not endorsed by Ibn Ḥazm. The solution given by Ibn Sīnā, a contemporary of both Ibn Ḥazm and Ibn al-Haytham, was quite original, based on the logic of the *falsafa*, although confusing at times. Ibn Sīnā distinguishes between the “potential coloured body” (*al-jism al-mulawwan bi-l-quwwa*), when it receives no light, and “active colour” (*al-lawn bi-l-fīʿl*), when it does: “If light falls on a body (*jirm*), the whiteness (*bayāḍ*) or else the black (*sawād*), the green (*khudra*) or other colours are refreshed. But if there is no light, it is only black, dark, although it potentially has colour, and we call white, black, red, yellow active colours (...), white is not white, nor red red, except when we can see them, and

¹⁷¹ Ibn al-Haytham explains his theory of the perception of light and colours in *Kitāb al-Manāẓir*, 2nd Maqāla, ed. ‘Abd al-Ḥamid Ṣabra, Kuwait 1983, pp. 232–243. For him, although the colours have their own reality (*jins al-lawn lā yatlaḥ*), there may be differences in perception depending on the light they receive: if it is weak, the body will appear darker than if the light is strong, when it will appear bright (*ishraq*) (Ibn al-Haytham, *Kitāb al-Manāẓir*, p. 234). The complexity of the theory of Ibn al-Haytham far exceeds that of Ibn Ḥazm, for he takes his optical theory into the analysis of the perceptions of the images and figures of the surrounding world, isolated and as a whole, considers the contrasts between colours, visual errors, how all this is reproduced through the organ of sight and recorded in the soul. He also proposed a theory of knowledge and an interesting aesthetic of sensory perception.

they only have this quality (*ṣifa*), when illuminated (*munīra*).¹⁷² This theory allows Ibn Sīnā to relate light, colour and the object perceived without denying the existence of colour in the absence of light, and without recourse to light as a *sine qua non* for the perception of colour. But Ibn Sīnā also speaks of the disposition (*isti'dād*) of bodies to receive the right colour when illuminated, in a parallel sense to what Ibn Ḥazm observed in the humidities (*ruṭūbāt*) of fire or the atmosphere, which are coloured in a different way as they receive light.¹⁷³ For Ibn Sīnā “man calls colour the dispositions that make up bodies; and when lit, some become something you see as white, others red,” which suggests a theory, then taken up by al-Fārīsī, for whom Ibn Sīnā was one of his sources, which coincides with the current conception of colour, which takes into account the different internal structures of bodies on which light falls, although in fact Ibn Sīnā did not elaborate any further on the subject. In any case, the great Muslim philosopher proposed a relationship of identity between light and colour, explaining it as follows: “even though we say that light (*ḍaw*) is not the manifestation of colour (*ẓuhūr al-lawn*), we do not deny that light is the cause of the manifestation of colour and the reason for its reproduction. We believe that light is part of the visible whole that we call colour, and consists of something that, when it is mixed with potential colour, makes a combination which produces active colour; but if there were no previous disposition [in the substance of the object], there would only be illumination and a simple brightness (*inārat^{an} wa-bariq^{an} mujarrad^{an}*). Light is part of colour and belongs to their combination (*mizāj*), just as between black and white there is a mixture (*ikhtilāf*) from which intermediate colours (*al-abwān al-mutawassiṭa*) arise.”¹⁷⁴

As for Kamāl al-Dīn al-Fārīsī, with his commentary and review of the work of Ibn al-Haytham he made important proposals that correspond particularly with those accepted by modern physics. As we have said, unlike Ibn al-Haytham he did not accept the independent existence of

¹⁷² This theory of “potential colour” is emphatically repeated by Ibn Sīnā in his 3rd Treatise of Part VI on Physics, in *al-Shifā'* (Ibn Sīnā, *al-Shifā'*, Physics, VI-3; quoted by Amhaz, “al-Lawn,” p. 13).

¹⁷³ The colours we see in fire are not in the fire itself, “but in the wood and the tinder and in the other things that are burnt, for this is the burning of the humours of what is burning which occupy the air of the atmosphere (*hawā'*), and take colours according to what their nature has given them (*taktasib abwān bi-miqdār mā ṭuṭīhā ṭabī'atuhā*); thus we see them in green, violet, red, white and yellow, as happens with the humidities from which the rainbow (*qaws quzah*) is born” (Ibn Ḥazm, *Fīṣal*, vol. 5, p. 136f.).

¹⁷⁴ Ibn Sīnā, *al-Shifā'*, Physics, VI-3; quoted by Amhaz, “al-Lawn,” p. 13.

colours, showing “with logical (*dalīl ‘aqlī*) and sensible (*ḥissī*) proofs,” that “we do not perceive (*lā yuḥass*) the colour of that which does not receive light; when something receives light, we perceive (*adraknā*) its true colour (*lawn^{an} mā*) and if the light varies, the colour varies. The same object (*yurā*) will be seen with a different colour if it receives sunlight, moonlight or firelight; with the variation in the intensity of light, the intensity of colour varies: the greater the intensity, the brighter will be the perceived colour (*ashraq*) and with less intensity, it becomes darker and more gloomy (*ilā l-kamūda wa-l-iḡlām*) (...). As we know, this is a variation of species (*nawʿī*), not only individual, (...) because with those changes in light intensity different colours are perceived, some more inclined towards dark than others.”¹⁷⁵ Here al-Fārisī goes beyond Ibn Ḥazm, since he states that the difference in light intensity changes the colours themselves, not just their brightness. Therefore, according to al-Fārisī, “it is wrong to say that the colour is hidden when in a gradation of colour we arrive at a total lack of colour; the rainbow (*taqāzīḥ*), which depends on the reflection (*inʿikās*) and refraction (*inʿitāf*) of sunlight, is not hidden when it does not receive sunlight, but simply does not exist: “it has no entity both with light and in darkness;”¹⁷⁶ the contrary may be a rational opinion, but it has no experimental confirmation, since the only thing that the senses tell us is that we only see colour when it receives light and that a gradation of light produces a gradation of colour. Ultimately, adds al-Fārisī, “colour not only varies in its nature depending on the variation of the body, the strength and weakness of light, but light is a condition for its existence (*shart li-wujūdihi*), not just for its manifestation (*zuhūr*), because if it were

¹⁷⁵ Kamāl al-Dīn al-Fārisī, *Kitāb Tanqīḥ al-manāẓir*, ed. Muṣṭafā Hījāzī, Cairo 1984, vol. 1, p. 108.

¹⁷⁶ The colours making up the rainbow are, for al-Fārisī, “blue (*zurqa*), green (*khudra*), yellow (*ṣufra*), red (*ḥumra*),” and a similar visual phenomenon takes place in the ornamentation (*taṭwīs*) of the plumage of some birds, and in the leaves of some plants when they receive a very intense light (*ishrāq dawʿ qawī*) (al-Fārisī, *Tanqīḥ*, vol. 1, p. 106). It was usually thought that the rainbow was a combination of lights and shadows, but al-Fārisī defines it as a phenomenon of reflection and refraction; proving it, moreover, with a series of physical experiments, similar to those that Newton carried out three centuries later, using a ball of crystal onto which he let an inclined ray of light fall; this broke down and, with the aid of a black surface, it reproduced the rainbow in the “laboratory”. He explained the rainbow effect on feathers in the same way: these bodies have small different smooth surfaces, which are normally dark, and act as mirrors reflecting isolated rays of light, or groups of them, at different angles, which cause the appearance of the colours forming the rainbow; the same phenomenon can be observed on the eyelids, by half-closing the eyes and looking at the rays of the sun (cf. Amhaz, “al-Lawn,” p. 13).

only the condition for its manifestation, it would not change its entity.”¹⁷⁷ Al-Fārisī goes a step further, and recuperates Ibn Sīnā’s idea of the special disposition of each body to admit a certain colour: “the colours that sight encounters in their respective places do not remain with the disappearance of the light with which we saw them; these lights must surely take the forms of the colours (*ṣuwar al-alwān*) with them from their points of origin, which may be in essence or accident, and they mingle with the form of the colour of the place and, if those lights disappear, the accompanying colours disappear. So, if no new light reaches that place, they remain in the form that is proper for them (*‘alā kayfiyyatihi allātī takhuṣṣuhu*), namely, the disposition (*musta‘idda*) to turn themselves, in the way mentioned, into the corresponding colour.”¹⁷⁸ In other words, bodies have an intrinsic colour pattern or arrangement that is altered and mixed with new forms of light provided by the different sources of light that illuminate them. In addition, both the physical theory of colour and that of light led the way, first at the hand of Ibn al-Haytham, and later of al-Fārisī, to an important visual aesthetic theory based on sensitivity rather than metaphysics, with interesting allusions also to the visual arts.

Returning to Ibn Ḥazm, I shall say that his theory of vision consists, in short, of the perception of objects and their qualities and circumstances through the capture of the colours of things, which is produced by the visual rays emerging from the observer’s eye and touching the illuminated material. The colours are structured, according to Ibn Ḥazm, in a gradation of colours ranging from black, as non-colour and devoid of light, up to white, which brings together all the colours and, like light, forms part of them: yellow, red, green, blue and violet, plus their possible mixtures in which black can be included, although he does not explain how. Ibn Ḥazm is concerned, above all, to prove that black is not a colour, but darkness or the absolute lack of colour. It is the anticoulour. We capture black only because the visual rays encounter colours which, sometimes define an area without colour that the ocular rays cannot discern, producing the sensation of black. So when we see a surface that is shiny or matt, the only explanation for this is to consider matt and gloss as colours. Ibn Ḥazm, even without studying in detail the subject of light, comes to identify it with colour and, indirectly, with white, since, like the latter, they form part of the colours, and he even names them as “colours”. Light has the

¹⁷⁷ Al-Fārisī, *Tanqīḥ*, vol. 1, p. 108f.

¹⁷⁸ *Tanqīḥ*, quoted by Amhaz, “al-Lawn,” p. 13.

function of extending both the ocular rays and the colours themselves, allowing them to be perceived, in a range depending on the intensity of illumination. Excessive light grabs the ocular rays and attacks the sight; the lack of light eliminates colour and therefore vision. Colours are for Ibn Ḥazm accidents of great importance, since they inform us of objects and other features such as motion, repose, size, etc., which are essential for knowledge and, as we shall see, for aesthetic perception. Perception for Ibn Ḥazm is almost a sort of touch, because from the eye there arise the ocular beams, which then return to it; they are like an extension of the onlooker and of his soul that feels, they touch the world and find out about it. Only darkness, blinding light, eye disease or the fiction of dreams and imagination interrupt our direct and objective perception of reality. Although Ibn Ḥazm does not develop a theory of light and colour of the physical and aesthetic breadth of those of Ibn al-Haytham and al-Fārīsī, his theory of colour and visual perception leads the way to his definition of the degrees of physical beauty which he sets out in another context, and which he understands in terms of the aesthetics of light and soul. Let us say, finally, that for Ibn Ḥazm colour, in its intimate fusion with light, which is what reveals the colours and, therefore, what gives life to objects and the organ of perception itself by extending it, is more than an accidental light covering objects; it is in fact the fundamental accident that defines things, and the primary source that provides the knowledge of the tangible world, in interaction with the faculties of the soul. The concept of *lawn* or colour that fills the books of the great *faqīh* from Cordoba occupies the place of the *ẓāhir* or clear manifestation of the natural world, parallel with the concept of *lafẓ* or *ẓāhir* at a linguistic level of in the conceptual world of language. Both colour and the word are the light that tells us directly and accurately about the world, ideas and the revelation, and also beauty in all its forms: physical, ethical and spiritual.

3.2 *Sensitive Beauty in the Erotica of Ibn Ḥazm*

Ibn Ḥazm's concept of beauty possesses a multiple sensitive, spiritual and ethical dimension, and is always defined, in accordance with his theory of knowledge, on the basis of the data of sensory experience, rational logic and his theory of language. This gives rise to a sharp limitation of the metaphysical dimension of his aesthetics, which is framed within the contemplation and understanding of which earthly human faculties are capable. Aesthetics of the supernatural is not possible, in so far as we only know what is hidden from the information that Revelation gives us;

and, moreover, the significant information about God, the Afterlife, or unearthly beings allude to meanings which are absolutely inaccessible to man in this life. The aesthetics of Ibn Ḥazm, therefore, lies in the realm of the senses and the human soul, and the theory is based mainly on his erotica and morality; namely, the psychology of the lover and that of the righteous person. Although in a broad sense Ibn Ḥazm's erotica must be said to be subject to his ethics, the fact is that, as we shall see, he clearly marks the boundaries of visual and spiritual aesthetics about the subject and the object of love on the one hand, and the aesthetics of human behaviour, on the other. We may speak, from this point of view, of a distinction between aesthetics and ethics, although the latter has its own aesthetic set of choices of human will, governed by the religious norm; and the former takes place within a moral framework. On the other hand Ibn Ḥazm's aesthetics has references both in the beauty of creation and the divine word, and also in the arts, but neither of these is its basic breeding ground. As we have already noted, he establishes his aesthetics, and seeks to conceptualise it, in the analysis of the phenomenology of love, a subject which already enjoyed a long history in Islam.¹⁷⁹ In this context, Ibn Ḥazm also shows himself to be a poet and connoisseur of the *dīwān al-ʿarab* by adding to his aesthetic concepts the most prominent topics of Arabic poetry about the beauty of the human being.¹⁸⁰

¹⁷⁹ Cf. Iḥsān ʿAbbās, "Ārāʾ fi l-ḥubb qabla Ibn Ḥazm," in *Rasāʾil Ibn Ḥazm*, vol. 1, pp. 23–37. According to Iḥsān ʿAbbās Arab-Islamic culture must have known Plato's *Symposium* in the third century A.H., as evidenced by the session attributed to Yahyā b. Khālīd al-Barmakī (805 CE) on the passion of love (*ʿishq*) reproduced by al-Masʿūdī in *Murūj al-dhahab*, Beirut n.d., vol. 4, pp. 236–241, which contains the following ideas: 1) love as affinity between souls, 2) love as light that illuminates the intellect, 3) the great power of influence of love, 4) the pain and suffering it causes, 5) some of the guests also related love with the movement of the stars. We will find some of these ideas in the work of Ibn Ḥazm, but the work normally quoted is the *Kitāb al-zahra* by Ibn Dāwūd al-Iṣbahānī (910 CE) as the most direct antecedent of Ibn Ḥazm's theory of love as set down in the *Ring of the Dove*. Ibn Dāwūd, a Ḥāhiri like himself, was admired and quoted by Ibn Ḥazm, although he differed from him in opinion, precisely on the Platonic idea of breakaway spheres; his book had been known in al-Andalus at least since the beginning of the fourth century A.H., when Aḥmad b. Faraj al-Jayyānī (d. before 366/947) composed his work *al-Ḥadāʾiq*, following the same formulas; the latter was also highly esteemed by Ibn Ḥazm.

¹⁸⁰ The key aspects of Ibn Ḥazm's aesthetics have been studied in detail by Joaquín Lomba Fuentes in "La beauté objective chez Ibn Ḥazm," *Cahiers de civilisation médiévale* 7 (1964), pp. 1–18 and 161–178, a version of his doctoral thesis entitled *El pensamiento estético de Ibn Ḥazm*, Madrid, 20/6/1962; the patent importance of this work is that it is one of the rare studies devoted to classical Arabic aesthetic thinking, and for the breadth and rigour of its exposition; its author has recently redeveloped his principal theories in "Ibn Ḥazm o el misterio de la belleza," *Miscelánea de Estudios Árabes y Hebraicos*, Granada, Universidad, 38 xi (1989–1990). At the centre of contemporary Arabic criticism the aesthetics of Ibn Ḥazm have

a) *The Ethical Setting of Love*

The text in which Ibn Ḥazm summarizes and defines his aesthetic concepts is a classification of different degrees of beauty of form, which he apparently inserted in the famous ethical treatise of his mature years, *Risāla fī mudāwāt al-nufūs*,¹⁸¹ translated into Spanish by M. Asín Palacios and then studied in detail by Joaquín Lomba Fuentes. This well-known ranking of the concepts of beauty accompanies and outlines the definition of love given by Ibn Ḥazm in his treatise on morality, and crowns the theories of love and beauty developed in his youth in his great treatise of erotica, *Ṭawq al-ḥamāma* (*The Ring of the Dove*). Between ethics and erotica, the aesthetics of Ibn Ḥazm clearly appears in the latter, which fits in perfectly, in turn, with his Ṣāhirī Islamic ethics. However, within the theory of love, aesthetics finds an area of its own, independent of ethics, and will often be involved in the disorders that amorous passion is capable of introducing into human reason, which is the only thing that should guide the conduct of the believer to the supreme goal of salvation. This ethical path is determined by divine law, and is presented as a correction and limitation of human desires and instincts through the triumph of reason, which always accepts the truth by accurately implementing the divine commandments and by the ongoing quest for moderation in all spheres of life. For Ibn Ḥazm excesses are reprehensible in all spheres of life, including wealth and poverty; virtue is always in the ethical and aesthetic ideal of moderation, in a modest imitation of the Prophet's conduct, but at the same time complying to the letter with his rules. All pleasures, says Ibn Ḥazm, are transient, so the wise man, without forgoing them, will abandon them as long as they prevent him from following the path to salvation in the afterlife, in his view the only important human purpose, since, in his words, the future is in the promised Paradise.¹⁸² The human animal differs from other animals, above all, in the ability God gave him to do what is virtuous and to overcome desire (*hawā*), which occupies

only merited some isolated allusions in manuals or commentaries, which hardly constitute an analysis worthy of the name, such as the chapter devoted to Ibn Ḥazm by 'Alī Shalāq in *al-'Aql fī l-turāth al-jamālā 'inda l-'arab*, Beirut 1985, p. 208f.

¹⁸¹ Ibn Ḥazm, "Risāla fī mudāwāt al-nufūs," pp. 322–415; this work has received various names, of which the most widely-used is *al-Akhlāq wa-l-siyar*, which was that adopted by M. Asín Palacios for his translation: *Los caracteres y la conducta. Tratado de moral práctica por Abenḥázam de Córdoba*, Madrid 1916.

¹⁸² Ibn Ḥazm, "Risāla fī mudāwāt al-nufūs," p. 335f. This same ethical viewpoint is what guides Ibn Ḥazm's classification of the sciences, already explained in 2.1.2. a), and which also combines with his theory of knowledge.

the dark side of his soul and pushes him towards injustice and evil. The greatest efforts of Man will consequently be through *ʿilm*, knowledge or wisdom, as the only means to overcome the level of ignorance in which the masses (*ʿamma*) live, and the reason they fall into sin. But error is not unique to the masses; the wealthy also allow themselves be dominated by their appetites and waste their lives indulging in amusements such as chess, dice, wine, song, hunting and other activities harmful both for this and for the other world, in the opinion of the *faqīh* from Cordoba.¹⁸³ Meanwhile, the mission of the learned is to follow the path of knowledge with humility and generosity, and to remain always moderate and good.

Thus both the aesthetics of human behaviour and the aesthetics of the human figure belong entirely to the conditions of the being; the former defines it as such in the face of the community and the Creator, the latter intervenes in the interplay of the attraction of souls, on the boundary between spiritual elevation and the fall into vice. They are, ultimately, aesthetics of the human soul, its conduct and its inclinations. If in his *Risāla fī mudāwāt al-nufūs* Ibn Ḥazm goes from ethics to the theory of love and beauty, in *Ṭawq al-ḥamāma* the meaning is equivalent, but in reverse: from the theory of love and beauty we move towards the moral constraints of Islam. We witness a phenomenology of loving and being loved, always swinging within the limits of licit and illicit, of reason and madness, where the perception of beauty plays a central role, since it reaches the soul through visual perception, obscures its reason and stimulates its passion, and is able to lead it to the greatest happiness achievable in this world, loving union, or to the perdition of sin. In *The Ring of the Dove* Ibn Ḥazm describes a variety of physical and imaginary amorous relationships, some in line with Islamic rules and some not; although throughout his treatise he is careful to point out the ethical situation from the point of view of Islam, which does not prevent a positive assessment of the use of pleasure, so long as it does not transgress the revealed rules. He ranges from sexual to spiritual pleasures and a polyvalent concept of love and beauty, applied equally to both female and male. Muslims, Ibn Ḥazm says, have nothing to hide as far as love is concerned, but all they have to do is to fulfil the commandments of God and otherwise follow their free will, because “the fact of loving beauty (*istiḥsān al-ḥusn*) and being mastered by love (*tamakkun al-ḥubb*) is neither ordered nor forbidden, because the hearts (*qulūb*) are in the hands of Him who rules; all that is required is to know

¹⁸³ Ibid., p. 343.

and consider the difference between right and wrong, and believe firmly what is true. The truth is that love is an inborn disposition (*khilqa*), and the human being only controls acquired body movements.”¹⁸⁴ Feelings of love and pleasure, therefore, are prior to the will, but human reason should guide them towards the positive; love is innate to human beings and is entirely lawful; hiding it is hypocritical, unless you run grave risks: “if I love someone,” proclaims Ibn Ḥazm, “it is for me, and so that my soul may enjoy her image (*li-ltidhādhihā bi-ṣūratihī*),¹⁸⁵ and since I desire the happiness of my soul (*surūrihā*), I follow my logic, go with my principles, and go on my way.”¹⁸⁶ Sometimes a person may enjoy the simple contemplation of the beloved and the pain it causes him, but that is another of the little peculiarities and potential pleasures of amorous passion, which does not contradict the fact that the very purpose of love is union (*waṣl*) with the lover. The union of love is, in the words of Ibn Ḥazm, the greatest happiness that can be found in this world, only surpassed by the joy of Paradise where we will live eternally in body and soul and enjoy the pleasures of love, as announced by the revelation. In this world, pain and separation, if not death, eventually replace all human pleasures, but in the meantime, loving union is presented as renewed life (*ḥayāt mujaddada*), as a “great mercy of God” (*rahma min Allāh ‘azīma*), which has no pleasure to equal it:

Neither the appearance of the foliage on plants after rainfall, nor the brightness of the flowers (*ishrāq al-azāhīr*) after the passing of the water-laden clouds in the warm season, nor the murmur of the waters that run between flowering branches, nor the beauty of white palaces (*ta’annuq al-quṣūr al-bīd*) surrounded by green gardens (*al-riyāḍ al-khuḍr*), are better than union with the beloved (*waṣl ḥabīb*) when her virtues satisfy you (*akhlāquhu*), you praise her natural gifts (*gharā’izuhu*) and her qualities are matched in beauty (*taqābalat fī l-ḥusn awṣāfuhu*). It is something that masters of rhetoric cannot express, nor can it be reached by the most eloquent oratory. Hearts (*albāb*) are stunned before it, and the intellect (*afḥām*) is enraptured.¹⁸⁷

This power of attraction possessed by beauty, and the ability of love to disrupt reason, are a constant in Ibn Ḥazm’s theory of love and aesthetics, and we shall come back to them later. But here we shall highlight the

¹⁸⁴ Ibn Ḥazm, “Tawq” (Chapter 12), p. 144f.

¹⁸⁵ **While the language is in fact gender neutral, the author has chosen to take it as a reference to a woman.**

¹⁸⁶ Ibn Ḥazm, “Tawq” (Chapter 14), p. 159.

¹⁸⁷ Ibn Ḥazm, “Tawq” (Chapter 20), p. 180f.

fact that the treatise dedicated by Ibn Ḥazm to love, in which he recounts with great subtlety and psychological and social insight the most complex circumstances regarding this phenomenon, after all concludes by deciding on an ideal of happiness that does not identify with the rapture and passion of love as such, nor with the momentary pleasures of sensuous beauty. Rather, it comes back to the ideal of moderation, represented by a balanced and peaceful family life, based on the mutual love of the lovers, sheltered from critics and enemies, sharing tastes; and living with the simplest means of subsistence a quiet and peaceful life, in which the relationships of love respect the rules established by God, until death imposes an end.¹⁸⁸

The ideal of human perfection of Ibn Ḥazm includes both physical beauty and intellectual and spiritual beauty, which do not always coincide in the same person, as he explains in describing his friend Ibn al-Ṭubnī, “so handsome that beauty had been created in his likeness” (*khuliqa l-ḥusn ‘alā mithālihi*). Ibn Ḥazm says: “I have never seen his like in terms of beauty (*ḥusn*), comeliness (*jamāl*), morality (*khuluq*), chastity, discretion, education, understanding (*fahm*), good sense (*ḥilm*) loyalty, greatness, purity, nobility, gentleness, kindness, bravery, patience, forbearance, intelligence (*‘aql*), honesty, piety and knowledge; he memorized the Qur’ān and the *ḥadīth*, grammar and lexicography. He was an outstanding poet of good penmanship (*ḥusn al-khaṭṭ*) and a skilled rhetorician; he knew also a good deal of theology and dialectics.”¹⁸⁹ But such an ideal is highly unlikely, since, although in possession of physical beauty, intellectual and moral perfection is hard to acquire; for in the human soul there is a continual struggle between reason (*‘aql*) and appetites (*shahwa*), which are also an innate part of our constitution and continually try to push us toward lustful desires.¹⁹⁰ The righteous man (*ṣāliḥ*) is, for Ibn Ḥazm, “one who does not mix with dissolute people (*min al-fusūq*) or expose himself to sights that attract passion (*al-ahwā’*), or raise his eyes to look at forms of wonderful composition (*al-ṣuwar al-badī’a al-tarkīb*); the dishonest man (*fāsiq*) is the one who lives with the dissolute and turns to look at beautiful

¹⁸⁸ Ibn Ḥazm, “Ṭawq” (Chapter 20), p. 185.

¹⁸⁹ Ibn Ḥazm, “Ṭawq” (Chapter 28), p. 260.

¹⁹⁰ Ibn Ḥazm, “Ṭawq” (Chapter 29), pp. 267ff. Ibn Ḥazm backs this idea with two *ḥadīths*: 1) “He who is preserved from the evil of his *busybody* (tongue), his *rumbler* (belly) and his *dangler* (penis), is saved from the evils of the whole world”; 2) “He whom God preserves from the evil of two things, shall enter Paradise (...), namely what is between his two jaws, and what is between his legs” (trans. García Gómez, *Collar*, p. 268f.). But nor does this necessarily mean that all actions of these organs are sinful.

faces (*al-wujūh al-badī'a*), exposes himself to harmful thoughts (*mashāhid mu'dhiya*) and loves perilous seclusion."¹⁹¹ Nor do women escape from this definition, which warns of the danger that beautiful shapes can represent for the moral uprightness of the individual, for Ibn Ḥazm is opposed to the common view of his time that women are not capable, like men, of controlling their lustful appetites. Otherwise, no ethical responsibility could be expected of women. Each of them are attracted by an inexorable decree of creation, and face the risk of either falling into sin or not.¹⁹² Man and woman appear in Ibn Ḥazm's work as agents and objects of love, both as subjects and objects in the perception of beauty. They both suffer and may die for love, although on the issue of jealousy women appear to be stronger than men. Despite these points of similarity between the sexes, there are some subtle differences between them, as Ibn Ḥazm paints them: the beauty of women is more fragile than that of men and is also credited with a greater ability to attract, although this is not exclusive to women. Woman is also the cleverer and more interested in matters of love,¹⁹³ and in the sphere of morality, the difference in approach that Ibn Ḥazm adopts is remarkable, since the goodness of woman lies

¹⁹¹ Ibn Ḥazm, "Ṭawq" (Chapter 29), p. 270f.

¹⁹² "I often hear people say that complete subjugation of the passions is found only among men, and not among women. I never cease to wonder at such an idea; my unwavering opinion is that both men and women are equal in their inclination towards these two sins [slander and lust]. The man does not exist who, when faced by a pretty woman (*imra'a jamīla*) who insistently offers him love, will not fall into Satan's nets and will not be seduced by sin, excited by desire (*hirs*) and led astray by lust (*ṭam'*); as there is no woman who, if invited by a man in the same circumstances, will not surrender to him; all this is like an absolute law and a sentence which offers no alternative" (Ibn Ḥazm, "Ṭawq" (Chapter 29), p. 269). 'Abbās points out that this reaction by Ibn Ḥazm appears to be directed against al-Jāhiz (*al-Ḥayawān*, vol. 1, ed. 'Abd al-Salām Hārūn, Cairo 1938/1943, pp. 169–179), who attributed the ability to succumb to seduction only to women (*Rasā'il Ibn Ḥazm*, vol. 1, p. 269 n. 7).

¹⁹³ In *The Ring of the Dove* the figure of the female slave predominates over the free woman, who in addition is almost always described in a domestic and closed environment, and therefore frequently resorts to go-betweens and procuresses. Ibn Ḥazm explains the greater inclination towards romantic and sentimental matters he sees in women by their different occupations compared to the man; the latter is in charge of military, government, religious, and intellectual work and craftsmanship, while the woman is always seen in leisure activities, or those connected to court life, such as singers, hairdressers, seamstresses, mourners, etc. In general, Ibn Ḥazm considers women as second-class compared to men (cf. Iḥsān 'Abbās, intro. to "Ṭawq," in *Rasā'il Ibn Ḥazm*, pp. 70–73; a superficial analysis of the figure of the woman in *The Ring of the Dove* through the vocabulary used by Ibn Ḥazm: Nadia Lachiri, "La mujer en la obra del cordobés Ibn Ḥazm *El collar de la paloma*," *La mujer en Andalucía. Actas del Ier. encuentro interdisciplinar de Estudios de la mujer*, Granada 1990, vol. 2, pp. 689–702; the inferiority of women is also described in "Risāla fi mudāwāt al-nufūs," p. 396). **See, however, Abdel-Magid Turki's article "Femmes privilégiées et privilèges

in her acceptance of the rules enjoined on her, while that of man is to avoid temptation, for according to Ibn Ḥazm Islam prescribes modesty for women and self-control in men.¹⁹⁴ The Qurʾān itself has told the stories of Joseph and David, who, although they were prophets, could not prevent their fall “because of the natural attraction that souls feel towards [beautiful] forms” (*istiḥsān ṭabīʿī fī l-naḥs li-l-ṣuwar*).¹⁹⁵ And beauty has such a power of attraction that it has led many pure and pious individuals to corruption, including the grave sin of adultery, considered by God as serious enough to be one of the four major sins that are paid with blood. Ibn Ḥazm concludes that the remedy for the dangers of romantic attraction is in *taʿaffuf* or continence, defined as the adaptation of desire to divine law to secure the eternal joys of Paradise. Once again he appeals to reason to master our impulses: “God gave us the gift of reason (*ʿaql*) with which we know Him, gave us the senses (*ḥawāss*), science (*ʿilm*), knowledge (*maʿrifa*) and the most subtle arts (*daqāʾiq al-ṣināʾāt*), made the heavens move for us, with all their benefits, and disposed us in such a way that we ourselves could not have achieved if we had presided over our own creation; and He took care of us even better than we would have done ourselves. He preferred us over most creatures, He made us the repository of His word and seat of His religion. He created Paradise for us without our deserving it, and did not want His servants to enter it without their doing the necessary work to deserve it.”¹⁹⁶ Therefore, Ibn Ḥazm’s whole theory of love must be understood with an ethical impulse that is ultimately regulated by the divine message and the proper exercise of reason. If the eroticism of Plato’s *Symposium* is converted by Socrates’ speech, put into the mouth of Diotima, into an ontological problem, considering love as the desire for immortality, whose fulfilment is sought in the search of

féminins dans le système théologique et juridique d’Ibn Hazm,” *Studia Islamica* 47 (1978), pp. 25–82.

¹⁹⁴ The boundaries drawn between the sexes by the Qurʾānic Revelation and the regulations derived therefrom must be accepted as such, according to Ibn Ḥazm, since these are divine intentions beyond our understanding: for example, that the value of man is double that of women in legal testimony, or other specific rules applying to women about hygiene, marriage, etc. As for the youths or young men, we may say that they abound as models of beauty in *The Ring of the Dove*, but that sodomy is considered one of the greatest sins by Ibn Ḥazm, relying once more on Islamic Law (“Ṭawq” (Chapter 29), p. 291f.). **On this, see also Camilla Adang, “Ibn Ḥazm on Homosexuality. A Case-Study of Zāhiri Legal Methodology,” *Al-Qanṭara* 24 (2003), pp. 5–31; eadem, “Love between men in *Tawq al-hamama*,” *Identidades marginales*, ed. Cristina de la Puente, Madrid 2003, pp. 111–145.**

¹⁹⁵ Ibn Ḥazm, “Ṭawq” (Chapter 29), p. 275. This refers to Q 12 and 37, which tell, respectively, the stories of Joseph with Potiphar’s wife and David and Bathsheba.

¹⁹⁶ Ibn Ḥazm, “Ṭawq” (Chapter 29), p. 300.

Beauty identified with Truth,¹⁹⁷ Ibn Ḥazm's erotica describes a phenomenology of love governed by Islamic ethics; the abstention and stylization in love in its relationship with the Truth that Socrates suggests appears in the work of Ibn Ḥazm, revised by Islam: he also proposes restraint and continence, but accepts, like Plato's Socrates, a wide range of pleasures, both of the senses and of the intellect.¹⁹⁸

Let us now take a look at how Ibn Ḥazm conceptualises love and beauty and observe how, despite the occasional coincidences of *The Ring of the Dove* with some themes of the *Symposium*, Ibn Ḥazm's concept of beauty does not appear so closely linked with the problem of Truth. In addition, his conception of the soul does not accept the Platonic model of the pre-existence and memory of Beauty referred to in the upper world, but deals with a humanised soul which always springs from the direct contemplation of tangible forms, rising eventually to pure intellectual or spiritual abstraction.

b) *Conceptualisation of Love and Beauty*

In the section on morality and characteristics (*al-akhlāq wa-l-siyar*) of his treatise on ethics *Risāla fī mudāwāt al-nufūs* Ibn Ḥazm, once he has covered the subject of *philia* or friendship, writes the well-known chapters Five and Six in which he outlines his definition and classification of the kinds of love (*Faṣl fī anwā' al-maḥabba*) on the one hand, and on the other, his classification of the beauty of shapes (*Faṣl fī anwā' ṣabāḥāt al-ṣuwar*),

¹⁹⁷ Plato, *Symposium*, 201d–212b. Cf. Michel Foucault, *Historia de la sexualidad. Vol. 2: El uso de los placeres*, Mexico, Siglo XXI, 1987, pp. 209–230. The comparison between *The Ring of the Dove* and the *Symposium* is made frequently, but it has rarely been made, in my opinion, with the desirable degree of thoroughness; an exception may be made for the recent article by J. Lomba Fuentes, "Ibn Ḥazm o el misterio de la belleza," *Miscelánea de Estudios Árabes y Hebraicos*, Granada, 38 xi (1989–1990), pp. 187–239, in which the author pays attention to the similarities and differences between Ibn Ḥazm and various Platonic dialogues; cf. also Lomba Fuentes, "Filosofía del amor en Ibn Ḥazm de Córdoba," *Atlántida*, Madrid 5 xxvi (1967), pp. 126–142.

¹⁹⁸ An example of Islamic thoroughness on this subject is the position of Ibn Taymiyya (1263–1328) expressed in *Qā'ida fī l-maḥabba*, ed. M. Rashād Sālim, Cairo 1987. In this treatise, not only is beauty (*ḥusn*) identified with truth (*ḥaqq*), but any type of love not directed at God is censured, understanding, moreover, that the central message of the Qur'an is 'ibāda, or the worship of God. Like Ibn Ḥazm, Ibn Taymiyya considers love for food, drink and women within the moderation prescribed by religion; but, unlike Ibn Ḥazm, this famous Ḥanbali *faqīh* is not interested in the different accidents of love as such: rather, in his work he strictly regulates and subjugates pleasures to the religious texts. The result is a work of strict religious morality instead of an erotic treatise dealing with certain ethical guidelines, as is rather the case of Ibn Ḥazm's *Ring*.

which summarize the essential concepts that guide all of his treatise on love, *The Ring of the Dove*. Ibn Ḥazm first defines love as a single phenomenon, but with different tendencies that depend on the variety of human desire:

Love (*maḥabba*) is all of one type. Its definition is this: it is the desire for the beloved (*al-raqḥba fī l-maḥbūb*), aversion to his or her opposite, and the desire for the love to be reciprocated. Many assume that in love there are different types because of its various purposes (*aghrāḍ*), which differ because of the range of our desires (*aṭmāʿ*), as well as its increase, decrease or completion. There is the love of God (*al-maḥabba li-llāh*), the love of having certain requests granted, the love for the father, son, family, friend, the sovereign, for the pleasures of the bed (*ladhdhāt al-firāsh*), for the benefactor (*al-muḥsin*), for what is expected or for what is passionately desired (*al-maʿshūq*). But they are all the same kind of love, though their classes vary depending on the desire we have for the loved one (*al-maḥbūb*).¹⁹⁹

Despite love being the highest and most noble attribute of the human being, in Ibn Ḥazm's work the subject of the love of God mentioned in this passage, does not provoke an aesthetic contemplation of divinity, as we shall see in Islamic metaphysics and mysticism, nor does he adopt it as the hub of a theological dogma applied to love, as does Ibn Taymiyya,²⁰⁰ but merely refers to its superiority. He considers it to be on a completely different level to that existing between individuals, which is in indeed the level on which he develops his whole theory of love and its aesthetics. Love between human beings requires words, physical contact, and sexual union, in all its forms and in all possible places, to satisfy desire. This is an innate human impulse, but social norms change it, since as Ibn Ḥazm notes, some religions accept certain types of intermarriage rejected by others. So, for example, a good Muslim does not love his daughter or his niece, as happens with other peoples, even if she is more beautiful than the sun (*ajmal min al-shams*); and the fact is, says Ibn Ḥazm again, "the natural characteristics of humans (*ṭabāʿiʿ al-bashar*) are all as one, but customs and religious beliefs exert an obvious influence on them."²⁰¹ But desire (*ṭamaʿ*), as we have said, is not only responsible for the typological diversity of love, but it is also "the cause of all suffering" (*sabab ilā kull*

¹⁹⁹ Ibn Ḥazm, "Risāla fī mudāwāt al-nufūs," p. 369. For quotes from this treatise of Ibn Ḥazm I have consulted M. Asín Palacios' version in *Los caracteres y la conducta*, although the wording is my own.

²⁰⁰ Ibn Taymiyya, *Qāʿida fī l-maḥabba*, pp. 10ff.

²⁰¹ Ibn Ḥazm, "Risāla fī mudāwāt al-nufūs," p. 370f.

hamm) and can lead to murder out of ambition. Only the righteousness of the soul (*nazāhat al-nafs*), defined by its firmness, kindness, justice and understanding, can impose itself on ambition, that carries with it cowardice, greed, injustice and ignorance.²⁰²

As for love itself, Ibn Ḥazm divides it into five grades (*daraj al-maḥabba khamisa*):

High esteem (*istiḥsān*): is when the observer considers the image he sees beautiful (*ḥasana*), or the moral qualities (*yastaḥsin akhlāqahu*) are regarded as good; this degree belongs to the category of friendship (*taṣāduq*), 2) admiration (*iḥāb*): this is the desire the viewer feels for what he sees, and his wish to be with it, 3) amorous affection (*ulfa*): this is the nostalgia (*wahsha*) felt when a loved one is absent, 4) amorous obsession (*kalaf*): this consists of having the mind permanently full of the beloved; in erotic love (*ghazal*) this degree is called amorous passion (*ishq*) 5) amorous delirium (*shaghaf*): this means hardly being able to sleep, to eat or to drink; one can become ill, crazy and even die. Beyond this degree of love there is no other.²⁰³

In this typological classification of love the central role of visual perception is obvious. Reference is always made to the observer (*nāẓir*) and the object observed (*al-manẓūr ilayhi*), which is the object of love. The feeling of love starts by eye contact being made by an observer who is contemplating the image or form of another being, and perceives or imagines it as beautiful, both physically and morally. From that eye contact is born a feeling of liking and affection that can increase until it reaches delirium, and even dying of love.²⁰⁴ Love thus defined by Ibn Ḥazm, once it exceeds the limit of friendly affection, is presented as a pathological phenomenon that can lead to alienation of the observer, who feels nostalgia on separation and gives way to passion; in other words, it appears as a disruption of the balance of the subject, which will have to be rebuilt. In this context, the idea of beauty is useful to conceptualize love at some levels at least, but Ibn Ḥazm just does not seem to be satisfied with that, but considers it necessary to clarify his own concept of the beauty of physical forms, this

²⁰² Ibid., p. 371.

²⁰³ Ibn Ḥazm, "Risāla fī mudāwāt al-nufūs," p. 374; cf. trans. M. Asín Palacios, *Los caracteres y la conducta*, pp. 86–87 and trans. M. Cruz Hernández, *Historia del pensamiento islámico*, vol. 2, p. 54f.

²⁰⁴ Lomba Fuentes also pointed out that beauty is for Ibn Ḥazm the trigger of the process of love, although in the last and most passionate level Ibn Ḥazm does not indicate aesthetic category, precisely there where he describes phenomena of love after visual perception ("Filosofía del amor en Ibn Ḥazm de Córdoba," p. 137).

being the departure point of love and the centrepiece of his phenomenology of love. This is how Ibn Ḥazm sets out the classes of physical beauty in Chapter Four of his *Risāla fī mudāwāt al-nufūs*.²⁰⁵

Chapter on the species of beauty of forms (*Faṣl fī anwāʿ ṣabāḥat al-ṣuwar*): I have been asked for a precise explanation about them, and here it is:

- i) Gentleness (*ḥalāwa*): this is the delicacy of charms (*diqqat al-maḥāsin*), the grace of movement (*lutf al-ḥarakāt*), the refinement of manners (*khiffat al-ishārāt*) and the acceptance by the soul of the accidents of the form (*qubūl al-naḥs li-ʿaraḍ al-ṣūra*), although it may lack obvious qualities (*ṣifāt ṣāhira*);
- ii) Uprightness (*qawām*): this is the beauty (*jamāl*) of each one of the attributes (*ṣifāt*) separately; but often, one who is beautiful in his qualities (*jamīl al-ṣifāt*) taken in isolation, may have a cold face (*bārid al-ṭalaʿa*) and be neither charming (*malīḥ*), nor beautiful (*ḥasan*) nor imposing (*rāʿī*) nor gentle (*ḥulw*);
- iii) Splendour (*rawʿa*): this is the brilliance of the external members (*bahāʾ al-aʿḍāʾ l-ṣāhira*) [together with the beauty (*jamāl*) thereof], it is also vivacity and nobility (*al-farāha wa-l-ʿitq*);
- iv) Beauty (*ḥusn*): this is something that has no other name in the language to designate it, but it is universally perceived by the souls (*maḥsūs fī l-nufūs*) of all who see it (*fī-ttifāq [kull] man raʾāhu*); it is like a fine cloth that covers the face (*burd maksūw ʿalā l-wajh*), a radiance (*ishrāq*) inclining hearts towards itself (*yastamīl al-qulūb naḥwahu*), so that all opinions (*ārāʾ*) agree in declaring it beautiful (*istiḥsānihi*). And, while it has no beautiful qualities (*ṣifāt jamīla*), anyone who sees it admires it (*rāqahu*), considers it beautiful (*istaḥsanahu*) and accepts it (*qabilahu*), even though on later observation (*taʿammalat*) its qualities (*ṣifāt*) alone are not anything remarkable. It seems as if there were something in the soul of the object beheld, which is found by the soul of the beholder. This is the summit of the categories of Beauty (*ajall marātib al-ṣabāḥa*). Subsequently, tastes differ (*ahwāʾ*): some people prefer splendour (*rawʿa*) and others prefer gentleness (*ḥalāwa*), but we have not found anyone who considers uprightness (*qawām*) on their own to be superior;
- v) Charm or grace (*malāḥa*) is the combination of several of these categories [in the same person].

²⁰⁵ Ibn Ḥazm, “*Risāla fī mudāwāt al-nufūs*,” p. 375f. I have compared my version of *Principios de filosofía del arte griego*, p. 293f., with that of Lomba Fuentes, also expounded in French in “La beauté objective,” pp. 3–5, where he offers us in addition a detailed lexical definition of the vocabulary used by Ibn Ḥazm in his text about the degrees of physical beauty, so that we can dispense with these details. Basically, Lomba Fuentes’ translation follows that of Asín Palacios, *Los caracteres y la conducta*, 1916, p. 89f., while that included by M. Cruz Hernández in *Historia del pensamiento islámico*, vol. 2, p. 55, is practically identical to that of Asín.

The difficulty of translating texts of this nature is manifest, and is due, rather than to the language difference, to the distance that separates us from the cultural context of an eleventh-century *faqīh*, and, above all, to Ibn Ḥazm's attempts to define terminology belonging to adjacent and variable semantic fields. If each name corresponds to an accurate description, according to the theory of language of Ibn Ḥazm himself, the translator introduces meanings and mutual interference of synonyms of one language and from different contexts. But in addition, Ibn Ḥazm's definitions, despite being extremely brief and adjusted to the precision that the Arabic lexicon has to offer, are dealing with an open and undefined area, which makes Ibn Ḥazm's own capacity for precision problematic.²⁰⁶ In fact, his attempt consists of trying to organize the use of these aesthetic terms by adjusting their lexical value to his theory of the soul and his theory of love.²⁰⁷ When he tries to address the concept of *ḥusn*, which proves to be practically indefinable, Ibn Ḥazm groups the aesthetic concepts outlined above into three main hierarchical groups, which will help

²⁰⁶ Faced with the impossibility of defining semantic fields of which L. Wittgenstein warned in *Estética, Psicoanálisis y Religión*, Buenos Aires 1976, W. Tatarkiewicz explored a way of doing so, at least partially, by studying chains of related concepts in a branch-like form, where not all of them needed to resemble each other (*El concepto de tipo en arte*, 1931, quoted by Bohdan Dziemidok, intr. to W. Tatarkiewicz, *Historia de seis ideas*, Madrid 1987, p. 22f.). Ibn Ḥazm, whose idea of the logical function of language is not far from that of Wittgenstein, at least as far nouns are concerned (*Tractatus Logico-Philosophicus* 3.26), is obliged to set up a hierarchy in the conceptualization of beauty, going from the more tangible aspects to the more spiritual, which escape the actual conceptual capacity of language.

²⁰⁷ An example of the different use of this terminology, which Ibn Sida offers us in his famous dictionary *al-Mukhaṣṣaṣ*: "beauty (*ḥusn*) is the opposite of ugliness (*qubḥ*), it is loveliness (*jamāl*)," and "loveliness (*jamāl*) is beauty both moral and physical (*al-ḥusn fi l-khuluq wa-l-khalq*)". When collecting the lexical knowledge of his day, this scholar from Murcia defines the meaning of *jamāl* as follows: "it is said of delicate beauty (*riqqat al-ḥusn*) and of the perceived quality (*tulḥaṣ*) in the things which generate happiness and contentment in the soul." Ibn Sida provides a longer inventory of terms related to beauty: 1) beauty in a general sense: *qasāma*, *wasāma*, *malāḥa*; 2) with a sense of luminosity, which is the predominant one: *naẓāra* (*al-ḥusn wa-l-rawnaq*, that is, beauty, splendour, lushness; *al-wajh al-nāḍir* is the beautiful, luminous face; *lawn nāḍir*: bright pure colour), *bahja* (beauty, lushness, splendour), *bahā'* (good and splendid sight that fills the eye, *al-malī li-l-ayn*), *ablaj* (white beauty, shining), *waḍḍāḥ* (white and beautiful), *mashbūb* (bright colour, very brilliant, frighteningly beautiful), *gharāniq* (white loveliness, lushness), *akhlā* (beautiful fair face with clear temples); 3) pleasingness of aspect and clarity (*jahāra*); 4) *sibr*: watery coolness that appears with beauty and elegance; 5) *rawqa*: the most beautiful, whether they be objects, boys or slavegirls; 6) beauty of what is perfect: *taṭhīm*, *al-khalīq wa-l-mukhtalaq* (lovely and well-formed, with interior goodness); 7) *ṭalāwa*: grace, beauty and popularity; 8) *farfūr*: plump and beautiful; 9) *ṭarīr*: exterior beauty, handsomeness (*ruwā'*); 10) *manzarī*: fine looking; 11) *raskh*: smooth and soft (Ibn Sida, "al-Ḥusn wa-l-qubḥ fi l-wajh wa-l-jism" in *al-Mukhaṣṣaṣ*, vol. 2, pp. 151–157; summary in *al-Iṣṣāḥ*, Ch. III, pp. 122–124).

us to define the idea that he had of them, although their high degree of uncertainty fails to disappear completely:

a) *Lower level of beauty*: this is simply uprightness (*qawām*) consisting of the beauty (*jamāl*) of the bodily organs; it is an external beauty, manifested in the structural integrity or perfection of the body,²⁰⁸ similar to the medieval Christian concept of *integritas*. Ibn Ḥazm emphasizes three different points when he explains his concepts of gentleness, uprightness, and beauty, in which the isolated beauty or perfection of the physical attributes of a given subject is often not enough to perceive him or her as beautiful, since if that person has no other inner qualities, we may be facing a cold dull beauty. Ibn Ḥazm completes his definition of this category, which everyone, he says, would agree is of a lower standing, contrasting with other concepts relative to beauty. So, one who possesses beauty in the external qualities (*jamāl al-ṣifāt*) on their own, may manifest a general coldness and total lack of the other qualities: charm or grace, beauty, splendour and gentleness, which, as we shall see, are categories defined above all as internal qualities of the individual and of the soul. The concept of *qawām* is therefore quite indefinite in that it is explained by such concepts as that of *jamāl* (beauty, loveliness), whose meaning is itself well understood, and by external qualities (*ṣifāt*) which are not mentioned. Although we know the latter have to do with the integrity of the bodily organs, we have no more information about them to allow us to relate them to proportion or harmony, surely implicit in the concept of *qawām*, and we must be content with the idea of wholeness and natural order of the human body suggested by Ibn Ḥazm.²⁰⁹ Aesthetic concepts in general, especially when trying to explain them with each other, leave ample room for ambiguity, and only work as relevant signs, without losing their

²⁰⁸ I am happy with Asín Palacios' translation of *qawām* as "corrección" (*uprightness* in English). The meaning of this concept is related to the beauty of the physique (*ḥusn al-tūl, ḥasan al-qāma*), bodily balance and symmetry (*i'tidāl*) or righteousness and justice (*ʿadl*). Cf. Ibn Manẓūr, *Lisān al-ʿarab* (QWM), *al-Fäyṛüzābādī*, *al-Qāmūs al-muḥīṭ* (QWM), *al-Munjid fī l-lughā wa-ʿlām* (QWM). From the same root, *qiwām* means order (*niẓām*), support or column (*ʿimād*) and what is straight; Ibn Manẓūr defines the expression "qiwām al-jism" as "plenitude or uprightness (*tamām*) of a body" (*Lisān al-ʿarab*, QWM).

²⁰⁹ Umberto Eco notes a similar vagueness in the concept of *integritas* in Thomas Aquinas who, in relation to the formal characteristics of beauty, understands it as perfection: "*integritas sive perfectio*" (*Summa Theologica*, vol. 1, 39, 8 co.; quoted by U. Eco, *Il problema estetico in Tommaso d'Aquino*, Milan 1982, pp. 128–132); however, Thomas Aquinas' *integritas* appears to be a particular kind of proportion, and constitutes one of his basic aesthetic principles, while for Ibn Ḥazm *al-qawām* is no more than the external appearance, lacking any inner life, and in no way to be incorporated into perfection, which demands the whole broad range of inner qualities mentioned above.

vagueness entirely, of the set of language patterns of the socio-cultural environment that produced them.

b) *Intermediate level of beauty*: according to Ibn Ḥazm, there is unequivocal agreement to place splendour (*raw'a*) and gentleness (*ḥalāwa*) as an intermediate degree of beauty, although opinions differ when considering which comes first, a problem about which Ibn Ḥazm is silent. As to the concept of splendour (*raw'a*), and also of “the magnificent and wonderful person” (*rā'i*), which in Arabic also includes the meaning of beauty, as adopted by Asín Palacios, and brilliance, which Lomba Fuentes prefers, Ibn Ḥazm redefines it with another synonym, *bahā'*, which in turn contains all these ideas: beauty, splendour, brilliance, lustre, loveliness.²¹⁰ It is, in principle, a matter of the splendour and beauty of the external organs (*al-a'dā' al-ẓāhira*), so the difference from the concept of uprightness (*qawām*) must be sought in the brilliance or *claritas* that these bodies emanate; and thus in relation to the aesthetics of light, to which we shall return. Ibn Ḥazm also assimilates splendour to two spiritual qualities: vivacity (*farāha*: lightness, ability, beauty)²¹¹ and nobility (*'itq*: excellence, freedom, beauty).²¹² In short, Ibn Ḥazm's beauty as splendour or brilliance must be understood as a special externally manifested beauty, but connected with the vibrancy and inner nobility of the person; characteristics, moreover, which are extremely vague and open to interpretation.

The other intermediate category of beauty, gentleness (*ḥalāwa*), which always been very common in the Arabic lexicon, is defined by our Cordoban scholar through two sets of ideas: those related to delicacy (*diqqa*), grace (*lutf*) and refinement (*khiffa*), very polysemic and open-ended terms, which are applied to the beauties, both internal and external, of the human being (*maḥāsīn*), as well as gestures (*ishārāt*) and movements (*ḥarakāt*). Uncertainty strikes again when we consider what delicate gestures or graceful movements actually are. Perhaps this is why Ibn Ḥazm adds that gentleness is “the acceptance by the soul of the accidents of form (*qubūl al-naḥs li-a'rād al-ṣūra*) although it may have no manifest qualities (*ṣifāt ẓāhira*).” It is therefore a category which is related rather to

²¹⁰ This same term is found in pre-Islamic poetry, understood by lexicographers as another variety of meaning relating to the fear or awe felt in the face of beauty.

²¹¹ Here Asín Palacios prefers *gallardía*, or gallantry; in *Lisān al-'arab* (FRH), *al-farāha* is always explained as the beauty and charm of a young slave-girl or a boy.

²¹² Lomba Fuentes has stressed the sense of liberty and ease in this concept related to beauty and loveliness. In *Lisān al-'arab* (TQ), *al-'itq* is defined by nobleness (*karām*) and beauty (*jamāl*). Al-Fayrūzābādī adds the ideas of generosity, dignity and freedom (*al-Qāmūs al-muḥīt*, TQ). Asín Palacios chose “gentileza” (courtesy, charm) for his translation.

the interior of the person, but manifest and visible through their gestures; although we know nothing more about how to judge what gesture is more or less sensitive, or what charm is delicate enough to be considered as an integral quality of gentleness. Anyway, compared to uprightness as an external, static category of beauty, both splendour and gentleness seem to be internal categories linked to the more delicate and noble inclinations of the soul, and transmitted by the brightness and the various movements and gestures of the person.

Although Ibn Ḥazm does not do so, we should include in this intermediate degree of beauty the concept of *malāḥa* which closes his classification of formal beauty. *Al-malāḥa* is like gentleness, but in the opposite sense, a concept derived from the perception of the palate, and belongs in this position because it differs from simple formal uprightness and does not belong to the highest category of beauty either. *Al-malāḥa* has, however, the distinction of being understood as the meeting of some of the other aesthetic qualities, namely, splendour, delicacy of gestures, vivacity, and so on. It is therefore a concept relating to the externalization of certain internal features, and is as ambiguous and elusive for the same reason as each of them; so that its translation can range from our idea of gracefulness or charm up to beauty itself, by way of goodness or kindness.

c) *Highest level of beauty itself* (ḥusn): Ibn Ḥazm declares that there is no synonym in the Arabic language for *husn*, so it is an irreducible concept and even more difficult to define than the previous ones.²¹³ His description of such a kind of beauty is in line with the idea, so familiar in Arab-Islamic culture and the history of thought in general, of the affinity between souls, which here is very succinctly stated by Ibn Ḥazm as a “something” (*shayʿ*) that the soul that contemplates finds in the soul

²¹³ In poetic hyperbole, which Ibn Ḥazm shares with classical Arabic poetry, the author of the *Ring of the Dove* turns to the theme of indefinable beauty, which is beyond the capacities of reason or language. Thus Ibn Ḥazm tells us of a youth “whose face was so beautiful (*husn wajhihi*) and his figure so perfect (*kamāl šuratihi*) that nothing could depict him, and understanding (*aḥām*) was incapable of defining him, not even minimally, and nobody managed to describe him (*waṣāfahu*)” (“Ṭawq” (Chapter 21), p. 199). Or this other: “I saw among all [those armies] a youth so beautiful that until I saw him I never believed that beauty had a shape (*lam uqaddir li-l-ḥusn šūra qāʿima*), he dominated my mind (*ʿaqlī*) and my intelligence wandered all around him (*hāma bi-hi lubbī*)” (“Ṭawq” (Chapter 28), p. 263). The vast greatness of beauty is expressed, above all, in metaphors of precious stones and heavenly bodies, as is usual in classical Arabic poetry; “the spinning firmament is for me a ring which surrounds all, an in which you are the precious stone”. Also: “Your beauty and fairness need no comparisons / as the sun in the heavens needs no jewels” (“Ṭawq” (Chapter 24), p. 218f.; trans. García Gómez, *Collar*, p. 218). Beauty evoked this way grows indefinitely, and its totality is impossible to grasp: “When you see her, you will not be able to set a limit for your eyes / for her beauty is always growing and inexhaustible” (“Ṭawq” (Chapter 20), p. 190).

of the subject being contemplated, although in explaining his theory of love in *The Ring of the Dove* he develops this theory a little further. That “something,” perceived as beautiful, holds still more keys: it is a beauty that transcends tangible beauty, or is still perceived when the person contemplated does not even have beautiful or important external qualities. It is manifested, moreover, as a kind of radiation or flash that attracts hearts and, ultimately, is a beauty which is unanimously perceived as such, since there is a kind of universal agreement in its case; in the words of Lomba Fuentes, an “objective beauty”. This unanimous perception of beauty will be altered, however, by the passion of love, even introducing a momentary triumph of the irrational part of the soul, making us perceive what is ugly as beautiful, and vice versa. On Ibn Ḥazm’s idea of moral beauty we shall say a few words later, but for now we shall only say that in his definition of the degrees of beauty, moral beauty is implicit in the inner qualities that make up his aesthetic categories, but it cannot be said that all his aesthetics are moral, nor that the *bonum* replaces the *pulchrum*; each belongs to a specific category; Ibn Ḥazm’s *ḥusn*, despite fulfilling its usual lexical role in the field of ethics indicating goodness, assumes a strictly aesthetic value beyond its moral meaning, which is more important in the other leading scholars of Islam.²¹⁴

c) *Spiritual Affinity and Sensible Forms*

We saw that Ibn Ḥazm vaguely defined the highest rank of beauty as a “something” that the soul finds in the soul of the subject under consideration; in other words, using the relationship between the souls with which he describes the phenomenon of love, except that when he deals with love, spiritual union is considered much more intense, and the perception of beauty appears as a prelude to it. His theory of unity and affinity between souls is expounded in several passages in *The Ring of the Dove*, but he does so more clearly at the beginning of the treatise in order to define the essence of love and to clarify his proposal of the Platonic theory of the reunification of the separated spheres, adjusting it to his own theory of the soul:

People disagree and talk a great deal about the essence of love, but to me Love consists of the union of the parts of the divided souls into their original exalted substance in this created world, but not in the way it is referred to by Muḥammad b. Dāwūd—may God have mercy on him—following a certain philosopher and saying that souls are split spheres (*al-arwāḥ ukar*

²¹⁴ Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 101.

maqsūma), but through the correspondence between the faculties of the souls (*munāsabat quwāhā*) in their dwelling place in their upper world, and through the similarity in the form of their composition (*hay'at tarkibihā*). We know that the secret of the mixing or separating of created things lies in their affinity (*ittiṣāl*) or divergence (*infiṣāl*), since the form (*shakl*) is always looking for its [own] form (*shaklahu*), like (*mithl*) only finds solace (*sākin*) with its like, for this affinity (*mujānasa*) is a significant factor and an evident influence. If dislike (*tanāfur*) between opposites, correspondence (*muwāfaqa*) between equals, and the inclination towards the similar (*tashābuh*) exist in our world, then what can become of the soul, whose pure and subtle world, whose balanced essence reaching towards the highest, and whose substance is prepared to perceive affinity (*ittifāq*), inclination (*mayl*), desire (*tawq*), rejection (*inḥirāf*), appetite (*shahwa*) and repulsion (*nifār*)?²¹⁵

Having ruled out the hypothesis of the philosopher to whom Ibn Dāwūd refers, clearly pointing to Plato's *Symposium*,²¹⁶ Ibn Ḥazm gives his alternative, with the following assumptions: 1) spiritual union takes place within the natural world, in the order of creation, not in pre-existing worlds, which for Ibn Ḥazm do not exist, except as expressed by the sacred texts; and on these we can know nothing for ourselves, as we have repeatedly remarked. Presently I shall give my opinion on the *aporia* that this and other passages seem to raise on the "upper world of the soul" in the thinking of Ibn Ḥazm; 2) there is a kind of universal law whereby those who are similar or alike are attracted, until they reach equilibrium, and opposites are repelled;²¹⁷ 3) the soul is a substance intimately linked to the body, but much more subtle and elevated than matter, so that its sensitivity is much higher than the rest of the created beings when it comes to seeing affinity

²¹⁵ Ibn Ḥazm, "Ṭawq" (Chapter 1) p. 93f.; trans. García Gómez, *Collar*, p. 101.

²¹⁶ Plato puts into Aristophanes' mouth a curious and somewhat crude myth to explain the phenomenon of love, according to which there were originally three sexes, male, female and androgynous, and that people were spherical until Zeus split them, in order to weaken the human race and to put an end to their debauchery; since then, each half has been longing and searching for its other half, who is at the same time, a symbol of the first (*Symposium* 189–192). This myth, though apparently intended to ridicule Aristophanes in the *Symposium*, basically agrees with the theory of the immortality of the soul expressed in the *Phaedrus* and the idea of contemplation of Beauty by the soul when it belonged to the upper world, for which it experiences an intense nostalgia, also outlined in the *Phaedrus*. Socrates himself in the *Phaedrus* shows how the soul, if it remembers aright what it saw in heaven and if it masters impure impulses, will only join the object of its love as a result of what it carries within itself of a reflection and imitation of ideal Beauty (*Phaedrus*, 250 b–c4).

²¹⁷ This concept, quite common in Arab Islamic thought, was very prevalent in Platonism, and in the *Symposium* (187–189) we can already see a generalization of the attraction and repulsion between like and unlike, put in the mouth of Eryximachus as he explains his concept of love, *eros*).

in the faculties and composition of other souls, and thus being drawn to them. But this phenomenon which we know from experience and logical reasoning, according to Ibn Ḥazm, is also confirmed by Revelation itself; from which it follows, moreover, that the essence of love is spiritual and transcends the perception of beautiful forms:

As is well known, all this occurs in the different circumstances of the behaviour of the human being, who finds peace in his soul. God has said: "It is He who created you from a single soul (*min nafs wāḥida*), from which he took his spouse (*zawj*) so that he could find repose (*li-yaskun*) in her" [Q 7:189]; in this way, He caused the reason for this repose (*sukūn*) to be that she [Eve] comes from him [Adam]. If the cause of love (*ḥubb*) were physical beauty (*ḥusn al-ṣūra al-jasadiyya*), then no imperfections in the form (*al anqas fi l-ṣūra*) would be construed as beautiful (*lā yustahsan*); when, on the contrary, on many occasions we see that the inferior being arouses is preferred to the known excellence of another, but the heart (*qalb*) cannot help it. If love depended on the match between characters (*al-muwāfaqa fi l-akhlāq*), no one would love anyone who did not favour or coincide with them. We therefore know that love is something that belongs to the essence of the soul (*fi dhāt al-nafs*).²¹⁸

Love is thus an accident that belongs to the very essence of the soul,²¹⁹ going beyond physical beauty, and even beyond the coincidence between the characters or the morality of the loved one. Ibn Ḥazm submits his ontological definition of love to his theory of the soul and of knowledge, and so differs at this point from the Platonic viewpoint by not admitting the existence of a world of ideas separate from the sensible world; he thus situates loving affinity within the strict limits of the human soul in the created world. The Revelation also provides evidence, saying that God created the soul of Eve from Adam's soul, who thus found repose and tranquillity; but we cannot know anything else about a world beyond the reach of our senses and closed to our capacity for knowledge. General observation teaches us that souls find peace and rest in kindred souls, but this is not because they recover their other half, lost in a past world,

²¹⁸ Ibn Ḥazm, "Ṭawq" (Chapter 1), p. 94f.; trans. García Gómez, *Collar*, p. 101f.

²¹⁹ "Love (*ḥubb*) is an accident (*ʿarḍ*), although accidents do not support other accidents, and it is also a quality (*ṣifa*), although qualities cannot be qualified (*lā tūṣaf*). This is a metaphorical way of speaking (*ʿalā majāz al-luḡha*), putting the quality in the place of what is qualified; just as when we say this accident is really bigger, more beautiful (*aḥsan*) or uglier (*aqbaḥ*) than this one, although we perceive and know the difference between greater and lesser in its visible (*min dhātihā al-marʿiyya*) and knowable (*maʿlūma*) substance, since accidents have neither quantity nor divisibility, because they do not occupy any space" (Ibn Ḥazm, "Ṭawq" (Chapter 1), p. 88).

but because of the correlation between the characteristics of each soul; in other words, its faculties (*quwā*) and its composition. There is a universal pattern for the human soul, but at the same time, each soul develops a particular physiognomy through learning and life experience. Ibn Ḥazm's theory of love should therefore be placed rather in the field of psychology than of Platonic metaphysics, which once again shows that his *episteme* brings into play the concepts of love (*ḥubb*) and beauty (*ḥusn*) in a different way from that of Plato's *kalós* and *eros*.

But let us go a little deeper, precisely, into the relationship between amorous affinity and the problem of physical beauty, which, we may recall, is for Ibn Ḥazm only a lower class of beauty. True love, writes Ibn Ḥazm in another passage from *The Ring of the Dove*, is born through prolonged relationships with lovers, and love at first sight, in his opinion very outlandish, is no more than just appetite; genuine love needs, by the nature of the soul, time to promote mutual understanding between the lovers:

Love is a union of souls at the origin of their higher world (*ittiṣāl bayn al-nufūs fi aṣl 'ālamihā al-'uhwī*), and what we have said confirms it. We know that the soul in this lower world is covered by veils, covered by accidents, surrounded by earthly and mundane characteristics, which hide many of its qualities (*ṣifāt*); and although they do not change it, they do come between it and other souls. For that reason, true union is only possible when the soul is ready and willing for it, after becoming aware of the existence of something similar and coincident with it (*mā yushākilihā wa-yuwāfiqihā*), and when it has beheld the natural characteristics similar to its own, that were hidden in the beloved (*maḥbūb*). What happens at first sight, is that some accidents have led to physical appreciation (*a'rāḍ al-istiḥsān al-jasādī*) and novel visual enchantment (*istiṭrāf al-baṣar*) or what in fact is no more than the colours (*alwān*), which is where the very secret of the appetite (*shahwa*) lies, and what this really means. When the limits of appetite are vanquished and overcome, and there is a spiritual union (*ittiṣāl nafṣānī*) involving the natural qualities and the soul, then this will be the passion of love (*'ishq*).²²⁰

²²⁰ Ibn Ḥazm, "Tawq" (Chapter 6), p. 126f. In Socrates' speech in the *Symposium* the following degrees of beauty are set out regarding the subject of *eros*: contemplation of physical beauty, then contemplation of spiritual beauty and, finally, contemplation of the eternal and absolute Beauty of this world. In Islam, the Brethren of Purity introduce this Platonic concept of love into their theological thinking, and speak of the longing of the divided soul for the universal soul; in other words, love for the eternity and perpetual perfection of God (*Rasā'il Ikhwān al-Ṣafā'*, vol. 3, pp. 278–286). For them there are three kinds of souls and of love: corporeal, angelic and spiritual, which depend on the astral confluence engraved in the soul from the moment of conception. Although Ibn Ḥazm accepts the degrees of spiritual and sensual love and beauty, he never refers to the universal soul or absolute beauty, and never associates them with God.

In such a state of passion, adds Ibn Ḥazm, the soul is so busy that it only loves its kindred soul, and cannot even be bothered with matters of the world, or of religion, so that those who claim to love more than one person are not talking about true love, but simple desire. The line between love and desire is established by the curtain of physical accidents separating the two levels, as happens in the distinction between simple uprightness, or physical beauty, and beauty in the higher sense. Overcoming this limit located in tangible forms is explained by Ibn Ḥazm in the same way as he explains the act of knowledge; that is, by means of an abstraction made by the soul of the perceptions of such forms, until it sees the similarities and coincidences between it and the soul it contemplates, necessarily involving a certain preparatory process. Souls are thus united in their own spiritual world, away from sensory coincidences; but it is not a separate world in the past, but in the present, and determined by the laws of creation.

Here is the key to the apparent *aporia* of Ibn Ḥazm's thinking, which is explained by his own concept of the soul, discussed above. Ibn Ḥazm himself, citing the union of souls in the upper world, hastens to clarify first of all that this union does not mean that they were formerly spheres that had been divided; and second, that this is an affinity between the characters of the souls, which is discovered after a process of abstraction from sensory perceptions. This does not, as I will explain later, prevent Ibn Ḥazm from trying to express as a kind of flash of light this moment of complete understanding of the beauty in the affinity of the soul observed—that is, with a sign rooted in the cultural history of totality, perfection, and also of knowledge. It is not an emanation of light coming from another world, as in Plotinus and in the Arabic version of his work, but a spiritual encounter between souls which have managed to overcome the material pitfalls. For Ibn Ḥazm tangible forms, the world of colour, are those which easily stimulate the appetite centres of the soul, amusing it with sensual perceptions and pleasures which some interpret as love, but which are no more than desire; just as some call these forms beauty, when true beauty is the “brilliance” or that special “something” that a soul finds in another as if it were a mirror, and which is already beyond the accidents of form. This apparent contrast and even contradiction between the material and spiritual worlds, so characteristic of Neo-Platonism and medieval thought in general, is resolved in the thinking of Ibn Ḥazm by never quite separating the soul from the senses and its sensory perceptions in order to access intellectual or spiritual ideas. It is, as we explained when expounding his theory of knowledge, an eminently sentient soul, a soul that cannot be comprehended without the body, in the same way that the body cannot

be understood without its vital soul. As for the state of the soul after the Resurrection, our understanding can think of nothing beyond what is announced by the Revelation. This concept of the soul, at the same time spiritual and sentient, is why Ibn Ḥazm, after differentiating love from desire in the above-mentioned text, has no objection to illustrating the love born of a long relationship between lovers, with the sexual skill of a young man capable of transforming the initial lack of interest of a girl into love. He concludes that “such things make the characters of souls (*wāfaqa akhlāq al-nafs*) harmonize, and cause love (*maḥabba*) to be born, since the sensitive body organs (*al-aḍḍāʾ al-ḥassāsa*) are ways to the souls and paths that lead to them.”²²¹ As we see, Ibn Ḥazm is always willing to come down from the metaphysical to the physical and to avoid getting lost in the hyperbolic imagination of the former; for his soul only knows and feels through the senses, and rises through successive intellectual abstractions, but never exceeds the boundaries and the laws that govern the natural world. The correspondence, therefore, between his theory of knowledge and his theory of love and beauty is exhaustive, even at the level of vocabulary.

Just as there is a higher degree of beauty, *al-ḥusn*, there is also a supreme degree of love, *al-ʿishq*, and both are defined in terms of some relationship between souls: “amorous passion (*ʿishq*) knows no other cause than the union between souls (*ittiṣāl al-nufūs*) explained above.”²²² For love to reach purity it must be, like beauty and goodness, an end in itself, tending then to become eternal²²³ and to be reborn when it appears to be forgotten; although the inherent limitation of earthly life will eventually prevail. But why are souls not united forever if they are so passionately attracted by their affinity? Ibn Ḥazm finds the answer in the accidents of worldly things, which confuse the soul of the beloved, making it impossible for them to know the soul of the lover, and thus causing them not to share the love. It is, in his opinion, like the attraction that iron exercises on the magnet (*al-maghniṭis*), since the soul that has been freed from burden-

²²¹ Ibn Ḥazm, “Ṭawq” (Chapter 6), p. 128.

²²² Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 96f. Ibn Taymiyya, however, understood the concept of *ʿishq* only in its negative sense: “amorous passion (*ʿishq*) corrupts the perception (*idrāk*), the imagination (*takhayyul*) and knowledge (*maʿrifa*) . . .” (*Qāʿida fī l-maḥabba*, p. 57).

²²³ “My love for you, which is of itself eternal, has reached its apogee, and cannot wax or wane. / It has no other cause but the will (*irāda*) to love. God forbid that anyone could find another! / When we see that a thing contains its cause within itself, it has a life which will never die; / but if it lies elsewhere, it will end with that which is its cause” (based on trans. García Gómez, *Collar*, p. 102; Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 95).

some accidents perceives the qualities of the beloved and inclines inexorably towards her; the magnet cannot, due to its own momentum and impurities, move towards the iron, despite having the same form (*shakl*) and essence (*ʿunṣur*). But it is the iron that goes towards the magnet; being the more powerful and free of obstacles, it runs inevitably and naturally towards its equal.²²⁴

Something similar happens with fire, he adds, since it is hidden inside the rock and, although it tends to become concentrated and jump, it does not do so until the flint has been struck. Similarly, it is apparent that no two people love each other without “some coincidence (*mushākala*) and correspondence (*ittifāq*) in their natural qualities; this is inevitable, however slight it may be; as the similarities (*al-ashbāh*) increase, so does the affinity (*mujānasa*) and love (*mawadda*) becomes firmer.”²²⁵ Even the Prophet said in a *ḥadīth*: “Souls (*arwāḥ*) are like armies lined up; those who recognize each other, get along, those who do not, diverge.”²²⁶ Love, therefore, is an inescapable attraction when the souls have overcome the accidents of form and recognized their similarity; in this case, why does love often begin with the contemplation of physical beauty? This is how Ibn Ḥazm answers his own question:

As for the reason why love (*ḥubb*) arises in most cases from a beautiful form (*al-ṣūra al-ḥasana*), what is clear (*ẓāhir*) is that the soul falls in love with everything beautiful (*tuwallīʾu bi-kull shayʾ ḥasan*) and inclines towards perfect images (*tamīlu ilā l-tasāwīr al-muṭqana*), and when it sees (*raʾat*) one, it fixes itself upon it. If in addition it distinguishes (*tamaʾyyaz*) some similarities (*shayʾ^{an} min ashkālīhā*) behind that image, then it joins with it (*ittasalat*) and there is true love (*al-maḥabba al-ḥaqīqīyya*); but if it does not find any resemblance there, its love does not go beyond love of the form (*ṣūra*), and this is precisely desire (*shahwa*). Forms (*ṣuwar*), in fact, are a wonderful means of union between the parts of separated souls.²²⁷

²²⁴ Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 97.

²²⁵ Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 97.

²²⁶ Included, among others, by al-Bukhārī (Chapter on the prophets, 2). Ibn Ḥazm adds some more examples, such as a story attributed to Plato, who apparently had to invent a ruse to get out of a wrongful imprisonment. He did so by adopting qualities that coincided with those of the tyrant, who disliked him; he thus managed to change the latter's attitude towards him, and secured his release. Hippocrates is also credited with a reassuring response when told that a common man loved him, “He would not love me if I did not resemble him in some of his qualities” (Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 97f.).

²²⁷ Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 98f. Iḥsān ʿAbbās adds some texts with ideas and vocabulary very similar to those of Ibn Ḥazm: ʿAlī b. Rabban al-Ṭabarī (8th–9th c.): “it is a characteristic of the soul to become passionate (*al-wulūʾ*) and to be astonished (*ʿajab*) by everything that is beautiful (*ḥusn*), be it a jewel, a plant or a mule. If such a beauty (*ḥusn*)

His explanation is clear: beautiful forms are the first step towards love, but the soul will only overcome the lower level of desire and reach true love when it is able to discover, behind the forms, characteristics similar to its own in the soul it beholds.²²⁸ Love is a phenomenon of recognition and spiritual confirmation between two souls, whose relationship is produced through the senses, and where physical beauty, although it can sometimes distract the soul from its real goal, is an excellent starting point for achieving true love, precisely because of the strong attraction that forms exert on souls.²²⁹ Once again the perceptive and sensitive soul emerges in the reflections of Ibn Ḥazm, who this time places special emphasis on the intense natural inclination that souls feel towards beautiful and perfect forms. However, and although they are always present in his aesthetics and in his theory of love, he tells us nothing more, nor does he cover any characteristics outside the poetic topics to which we still have to return.²³⁰

appears in something relating to the human race, and since love (*ḥubb*) is an inherent part of its nature, an appetite (*shahwa*) will awaken in the soul at that moment, and the soul will want to come close and stand near it". Ibn al-Jawzī also considered the passion of love (*ishq*) as "a strong inclination of the soul towards the form which agrees with its nature (*ṣūra tulā'im ṭab'a-hā*), and if the thought about it becomes very intense, then it will want to win it and join with it (*Dhamm al-hawā*, pp. 293 and 296) (vol. 1, p. 98 n. 2). For his part, García Gómez (*The Ring of the Dove*, p. 105 n. 8) lists the references by other scholars concerning the presence of this subject in Aristotle's *Ethics* (IX, c. 5) and how it became a poetic theme in 13th-century Italian poetry, as it already was in Arabic poetry.

²²⁸ Lomba Fuentes ("La beauté objective," p. 162) considers that the above quotation is where Ibn Ḥazm says only that the soul is beautiful; but we should point out that, although the translation of García Gómez points in the same direction (*Collar*, p. 105), a close reading of this passage of Ibn Ḥazm reveals that the author is referring only to the beauty of form and not to the beauty of the soul itself. Nor does Ibn Ḥazm characterize the soul as essentially beautiful in his definitions of it, which were discussed above; but both the beauty or ugliness, or its goodness or evil, are accidents of the soul and not integral parts of its essence.

²²⁹ Ibn Ḥazm gives two curious examples to illustrate the force of attraction that forms have, without drawing any concrete conclusions from either of them. In the first, he comments on the story of Jacob and Laban's sheep (Gen. 30), which later, by the way, was to become a long-standing iconographic tradition in European painting; according to this story, Jacob threw sticks into the water to divide the flock, peeling half of the sticks. When the pregnant ewes drank, some gave birth to dark lambs, and others speckled, presumably influenced by the colour of the sticks. The other example is even stranger: an expert physiognomist examined a newborn black baby, born of white parents, and after confirming that it was really their child, asked to be taken to the bed where the child was conceived, "and saw, right where the woman's eyes rested, that there was an image of a black man (*ṣūrat aswad*) hanging on the wall; and then he told the father: it is the fault of this picture that you have had a son like this" (Ibn Ḥazm, "Ṭawq" (Chapter 1), p. 99).

²³⁰ See E. García Gómez's article "El sentimiento de la belleza física en la poesía árabe," *Cuadernos de Adán*, Madrid (1944), pp. 83–98, which is largely inspired by these ideas of Ibn Ḥazm, although it should be noted that the attraction towards beautiful things (*al-iftitān bi-l-ṣuwar*) does not exhaust the classical Arabic aesthetic, nor even that of Ibn Ḥazm.

Ibn Ḥazm again turns to parallelism and the interrelationship mentioned above between the degrees of beauty and the degrees of love: the highest point, and the greatest thing that man can aspire to in love is an accidentality of the soul, achieved after a process of abstraction and purification which, based on sensory perceptions, brings about a surmounting of the appetites and the discovery of the affinity between souls in their essential and perfect world.

Ibn Ḥazm ends his analysis of the nature of love by making use of his own poetry. In *The Ring of the Dove* it plays a most interesting and diverse role, in perfect harmony with the theoretical reflections and narratives of the work; it adds nuances, modifies ideas, raises questions and admits into his treatise classical Arabic poetry with its prominent figures and themes suitably chosen to serve his erotica and his ethics. Ibn Ḥazm is perplexed by the phenomenon of love; now, as a poet, he sees love as a human figure (*arā hay'a insiyya*) in the subject under consideration, but the poet acknowledges that upon reflection (*tafkīr*), love can be no more than a superior body (*jirm 'ulwī*), a beautiful natural light (*al-nūr al-anīq al-ṭabī'ī*) and a spirit (*rūḥ*) that has been “drawn to us by a similarity that links the souls (*mithāl fī l-nufūs ittiṣālī*)” and, if it were not visible (*mar'ī*), nothing would prove that it is a physical embodiment and we might even believe that this is the True Sublime Reason (*al-'aql al-rafi' al-ḥaqīqī*).²³¹ Thus, both through lyrics and narrative, Ibn Ḥazm draws a concept of love and beauty, halfway between the spiritual world and that of the senses, where the soul brings into play all its sensory and spiritual capacity, running the risk, moreover, of having its faculties disturbed as a result of this “delightful malady” and this “desirable evil” that is love, which tends to impose itself on reason and will.

d) *Love against Reason. Impaired Aesthetic Judgments*

Set in this amphibian world between the senses and the soul, and between the sexually hungry half of the soul and the rational half, love has an unprecedented ability to transform the objective perception of reality and of beauty itself. It is the struggle of *eros* against *logos* that Ibn Ḥazm expresses on many occasions, both in verse and prose, throughout the *Ring of the Dove*:

²³¹ Trans. García Gómez, *Collar*, p. 106f.; Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 100.

You shall see all the opposites combined in him.
 Then how can you define the contradictory concepts?
 Oh, body beyond dimensions!
 Oh, everlasting and unceasing accident!
 For us you have demolished the foundations of theology,
 Which since you appeared have lost all clarity.²³²

These are lines from a *qaṣīda* by Ibn Ḥazm, which a friend of his called “imaginary perception” (*al-idrāk al-mutawahhim*), and which show the perplexity felt by the human being faced with this phenomenon, and its ability to alter even the most solid foundations of his rationality. And the fact is that, as Ibn Ḥazm interprets it, following an idea which appears in extensive literature throughout history, love is a disease that is its own medicine: it is a “delightful malady” (*saqām mustalidhdh*), a “desirable sickness” (*illa mushtahāt*); whoever does not have it does not wish to be healthy, and those who have it have no wish to be cured;²³³ it makes things beautiful (*yuzayyinu*) to people who hated them before, makes what was once difficult easy, and even transforms innate character and congenital nature”.²³⁴ Many people of great discernment (*tamyīz*), knowledge (*maʿrifa*), good sense (*ḥusn ikhtiyār*) and wit (*ḥads*), as Ibn Ḥazm elaborates in another passage, “describe their lovers with some attributes (*ṣifāt*) not liked (*laysa bi-mustaḥsan*) nor considered beautiful (*lā yurḍī fī l-ʿamāl*) by the rest of the people, but they have become part of their

²³² Trans. García Gómez, *Collar*, p. 107; Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 100.

²³³ Antonio Linaje Conde takes a medical approach to the theory of love in the *Ring of the Dove* in “Ibn Ḥazm de Córdoba y la neurosis,” *Asclepio* 23 (1984), pp. 349–377.

²³⁴ Ibn Ḥazm, “Ṭawq” (Chapter 1), p. 100f. Ramón Múgica Pinilla has linked Ibn Ḥazm’s theory of love with the theories of Pseudo-Aristotle on melancholy and the Platonic theory of the passions, and, although on this particular point he may be right, I think the subject deserves to be analyzed in greater detail through the sources (cf. Ramón Múgica Pinilla, *El collar de la paloma del alma. Amor sagrado y amor profano en la enseñanza de Ibn Ḥazm y de Ibn Arabi*, Madrid, 1990; however, this work places Ibn Ḥazm in a mysticism to which I do not think he belongs). The medical theory of love also appears in Ibn Dāwūd’s *Kitāb al-Zahra*, where love can lead to madness and suicide. The Brethren of Purity mention melancholy (*mālīkhūlyā*) and the Platonic concept of the passion of love (*ishq*) as divine madness (*junūn ilāhī*), but centre their theory of love on the idea of *ittiḥād*, or union at the spiritual and metaphysical level (*Rasāʾil Ikhwān al-Ṣafāʾ*, vol. 3, pp. 270–273), as did Ibn Sīnā, who also adopts the Platonic idea of love as a search for the Good (*Risāla fī māḥiyyat al-ʿishq*, Istanbul 1953, p. 18; quoted by Iḥsān ʿAbbās, *Rasāʾil Ibn Ḥazm*, vol. 1, p. 33). Ibn Taymiyya, in turn, uses the concept of melancholy (*mālankhūlyā*) to emphasize the corrupting nature of the passion of love from a strictly moralistic viewpoint: the evil of amorous passion (*dāʾ l-ʿishq*), defined as excess in love, is “a brain disease that damages the imagination (*takhayyul*), just as melancholy does” (Ibn Taymiyya, *Qāʾida fī l-maḥabba*, p. 57f.). On this subject, see Lois Anita Giffen, *Theory of Profane Love Among the Arabs: the development of the Genre*, New York 1971.

habits, the object of their desires and the high point of their tastes (*muntahā istiḥsānihim*). When these loves ended, either by neglect, absence, abandonment, or any other accident of love, they never lost their admiration for those qualities, and never stopped preferring them over other superior qualities existing in nature. They no longer had any inclination for any other quality.”²³⁵ The author of the *Ring of the Dove* finds proof of this phenomenon in himself: “I must tell you about myself: in my youth I loved a blonde slave-girl that I owned, and from that moment on I have not liked (*mā istahsantu*) women with black hair, even if it is bright as the sun or the image of beauty itself (*‘alā ṣūrat al-ḥusn nafsihi*).”²³⁶ Ibn Ḥazm admits that he does not know whether his preference for blondes was “structural” (*murakkab*), or whether he may have learnt it from his elders, for that was also his own father’s preference.²³⁷ It is not so strange, Ibn Ḥazm goes on to explain, that someone who loved something ugly (*aḥabba qabiḥ^{an}*) does not maintain such a preference in other cases, nor that there are people with a innate nature (*ṭab‘*), who prefer what is inferior (*tafḍīl al-adnā*); but what is unusual is that, “anyone who sees things through the eye of reason (*bi-‘ayn al-ḥaqīqa*) is later overcome by a desire (*hawā*), which attacks him when he had already spent a long period in society; a desire that transforms his ways, to the point of turning them into his new nature, by replacing what he had before, despite being aware of the superiority of his previous behaviour; if he comes back to his senses, he will see how he only approves inferior things. How amazing is this mighty domination and this enormous tyranny!”²³⁸ Just as love can transform the innate character of individuals and make them persist in their tastes even though they are wrong, its domination of their intellect can be such that they even lose all shame, proclaiming their love and even changing their logical appreciation for the beautiful and good:

²³⁵ Ibn Ḥazm, “Ṭawq” (Chapter 7), p. 129.

²³⁶ Ibn Ḥazm, “Ṭawq” (Chapter 7), p. 130. Here Ibn Ḥazm adds a piece of information of which historians dealing with al-Andalus have taken full advantage: that the Umayyad caliphs, from al-Nāṣir onwards, not only preferred blonde colouring (*al-shuqra*), but were themselves fair-haired with blue eyes.

²³⁷ Ibn Ḥazm, “Ṭawq” (Chapter 7), p. 130f.

²³⁸ Ibn Ḥazm, “Ṭawq” (Chapter 7), p. 132. This idea of the capriciousness and even the subjective stubbornness of the lover is exemplified in verse by Ibn Ḥazm: a boy defends his love for a young woman with a short neck, arguing that wild cows (*lahā*) were famous “in proverbs,” a clear allusion to the famous topic of pre-Islamic poetry which, as we saw in 1.1.2., compared beautiful women with such animals. García Gómez adds that Homer often used the same metaphor, strange though it may appear to us now (*Collar*, p. 135 n. 4).

Amorous passion (*‘ishq*) reaches such limits, and has such a powerful dominion over reason (*‘aql*) that it presents (*yumaththil*) the beautiful as ugly (*al-ḥusn fi timthāl al-qubḥ*), the ugly as beautiful (*al-qubḥ fi hay’at al-ḥusn*); in such a situation, good (*khayr*) seems bad (*sharr*) and bad, good.²³⁹

If beauty is a series of more or less defined characteristics, visible or not depending on the individuals, but objective and measurable by most people in any situation, love is a force capable of altering the rational stability of the soul and making subjective, and therefore conjectural and imaginary, judgments out of what should be universally recognized and valued as beautiful or ugly in normal conditions of reasoning.

Love acts against reason by the most subtle means: it even infiltrates through dreams and fantastic suggestions. These phenomena are discussed on various occasions by Ibn Ḥazm, as in the brief but no less eloquent chapter dedicated to falling in love through dreams.²⁴⁰ According to Ibn Ḥazm, falling in love in dreams is very rare, and considered to be “phenomena and hallucinations of the soul (*min ḥadīth al-naḥs wa-aḍghāthihā*), belonging to the realm of desire (*al-tamannī*) and fantasy of thought (*takhayyul al-fikr*).” In other words, an oneiric distortion of the imagination, contrary to the lucidity desirable in a person who seeks the truth.²⁴¹ Another more normal case is the vision of the ghost (*ṭayf al-khayāl*) of the beloved, which is a recurring theme in classical Arabic poetry and has been interpreted, as Ibn Ḥazm points out, in very different ways by Arab poets.²⁴² In his view, this phenomenon occurs in four situations: when the jilted lover is suffering intensely; when the lover is

²³⁹ Ibn Ḥazm, “Ṭawq” (Chapter 13), p. 149.

²⁴⁰ Chapter 3 of “Ṭawq” (“On falling in love while asleep”). All those who have dealt with the *Ring of the Dove* have highlighted the psychological depth and “modernity” the author shows in these reflections, when he relates dreams with desire and the weariness of the soul.

²⁴¹ Ibn Ḥazm here reproaches a person who fell in love dreaming of a slave-girl, the error he committed in allowing himself to be carried away by his imagination (*wahm*), adding that it would have been more understandable if he had fallen in love with the images painted in the bath-houses, because at least they are visible (Ibn Ḥazm, “Ṭawq” (Chapter 3), p. 115). I have already discussed this passage when dealing with the issue of images according to Ibn Ḥazm (2.4.3. b).

²⁴² Ibn Ḥazm quotes here the theory of the Mu’tazilī scholar al-Nazzām, for whom the night phantoms of the beloved arise from the souls’ fear of the spies who watch their union; he also mentions Abū Tammām, who saw the cause of these fantasies in the fact that sexual intercourse in sleep (*nikāḥ al-ṭayf*) does not profane love, as opposed to actual intercourse, so it is assumed that lovers would thus be protected from evil; al-Buḥturī understands it, according to Ibn Ḥazm, by saying that the spectre comes in order to be lit by the fire of the lover’s passion, but afraid of drowning in his tears, goes away again (Ibn Ḥazm, “Ṭawq” (Chapter 25), p. 233f.).

enjoying the relationship, but fears any change in it; where he lives with the beloved and dreams of growing apart; and, finally, when the lover is away and he dreams of the union.²⁴³ That is, amorous desire and longing are what cause this momentary triumph of imagination over reason and lucidity. A disorder of the mind for which Ibn Ḥazm, now as a poet again, does not know whether to blame a show of beauty, his own intellect or his own soul:

Would that I knew who she was, and how she came to me!
 Could she have been the face of the sun, or the moon itself?
 Was she a conjecture of the mind, sparked by reverie?
 Or a spirit image revealed to me by thought?
 Or a picture drawn by hope within my soul, that my sight believed it saw?
 Or was she none of these, but an accident of fate that came to cause my death?²⁴⁴

Love causes a state of perplexity when it escapes from the grip of the *logos*, so the phantom of the loved one appears as sun and moon; that is, with two luminous synonyms for beauty. And light is the last sign to which the definition of beauty clings as an instant, complete and tangible view of the beloved, far beyond any act of reason.

e) *Ibn Ḥazm's Participation in the Aesthetics of Light*

The aesthetics of light has ancient roots and is present in different ways, both in classical antiquity and in Alexandrian Neo-Platonism, as well as in medieval Latin and classical Arab-Islamic culture.²⁴⁵ In my book *Historia del pensamiento estético árabe*, I had the occasion to put forward some data on the aesthetics of light in pre-Islamic poetry,²⁴⁶ and I made some

²⁴³ Ibn Ḥazm, "Ṭawq" (Chapter 25), p. 234f. Ibn Ḥazm puts his idea into verse as follows: "By night, your distant phantom (*ṭayfūk*) comes to see me and to join with me, to visit and accompany me. / Only that you have stopped me from enjoying a full life, and only allow me to breathe its perfume. / So I am like the people in Limbo (*min ahl al-a'rāf*): I do not dwell in Paradise (*firdaws*), nor do I fear Hell (*jaḥīm*)". Ibn Ḥazm notes that he himself has gone so far as to say at some time that "the cause of sleep (*nawm*) is the desire to see the imaginary phantom (*al-ṭama' fi ṭayf al-khayāl*) [of the lover]" (based on the translation of García Gómez, *Collar*, p. 234f).

²⁴⁴ Ibn Ḥazm, "Ṭawq" (Chapter 3), p. 116.

²⁴⁵ Umberto Eco provides an excellent summary of the background and the various trends in the mediaeval aesthetics of light in *Il problema estetico in Tommaso d'Aquino*, pp. 132–153 concerning the expression of *claritas* in Thomas Aquinas; see also E. De Bruyne, *La estética de la Edad Media*, Madrid 1987, pp. 78–86. Both authors give an important role to the theories of light and colour taken from Islamic culture by medieval Latin thinkers.

²⁴⁶ J.M. Puerta Vélchez, *Historia del pensamiento estético árabe*, Madrid 1997.

references to that subject in the Qur'ān, in the Neo-Platonic tendencies of the *Ikhwān al-Ṣafā'* and the circle of al-Tawḥīdī; I came across it again with the *falāsifa* and the commentarists on the Poetics, as well as in the more specifically Arabic and Islamic treatises and speeches on poetry, calligraphy, or the arts in general; and I have found it expressed in different ways in erotica, optics, aesthetics, metaphysics, or the Sufi and Illuminationist movements. As far as Ibn Ḥazm is concerned, it must be said that both his concepts of beauty that were examined above, and the poetic descriptions that he makes about it in the *Ring of the Dove*, form part of what has been called the aesthetics of light; although in a specific and well-defined way, much more closely linked with the tradition of pre-Islamic poetry and Arabic poetry in general and with the Qur'ānic message itself than with the metaphysical and emanationist dimension of many Muslim scholars or with the Illuminationist tendencies within Islam.²⁴⁷ In Ibn Ḥazm's thinking luminosity appears as a sure sign of beauty and as an element always linked to it. Indeed, the term chosen by Ibn Ḥazm to designate the general semantic field of the different degrees of formal beauty, which we have not yet dealt with, is the term *ṣabāḥa*, which besides meaning beauty, loveliness or grace, comes from the root ṢBH, whose primary significance is that of dawn, of morning visits, sunrise; that is, it is a word that evokes a sense of radiant light and beauty. Something similar can be said about the concept of *raw'a*, beauty, loveliness, which at the same time means splendour; Ibn Ḥazm defies it using the synonym *baḥā'*, the meaning of whose radicals is also related with the idea of brightness and lustre.²⁴⁸ We are obviously on the basic common ground of Arabic, but we must remember that it has for Ibn Ḥazm a unique value which he always tries to follow, which is found both in some of his concepts and, especially, in the poetic figures he gives alluding to beauty. Thus, when he tries to define *ḥusn* as a higher beauty perceived in the kindred soul, Ibn Ḥazm is suggesting that this is a kind of brightness (*ishrāq*: radiance, light) that attracts the hearts.

But he tells us nothing more. However, we can interpret the luminous dimension that Ibn Ḥazm gives to beauty by following his own theory of light and colour. Light is, as we saw, comparable to white; that is, the meeting of all colours. Light strengthens the rays and powers of the eye,

²⁴⁷ Lomba Fuentes comments on Ibn Ḥazm's aesthetics of light in "La beauté objective," pp. 12–14.

²⁴⁸ Ibn Sida defined *baḥā'* as "beauty (*jamāl*) and as a beautiful and wonderful vision that fills the eye (*al-mālī li-l-ʿayn*)" (Ibn Sida, *al-Iṣṣāḥ*, vol. 1, p. 123).

and is present as white in all the colours, making them visible, intensifying them and grading them. Beauty must, by definition, be luminous, since sight requires light; and the more both the eye and the colours of the object beheld enjoy the light, the more perfect will it be. But in addition, light is a superior essence far from the impurities and temporal and spatial limits of the body, so it fits perfectly with the absolute perfection required of beauty.

However, Ibn Ḥazm does not go on to develop any metaphysics of luminous beauty, nor does he use the Qur'ānic passages concerning light which are so dear to mysticism, but he is content with this information and with the addition of his poetical descriptions of physical beauty, fulfilling his role as an Arabic poet. Let us see some examples. Ibn Ḥazm justifies his taste for blonde hair by saying it is the colour of light (*lawn al-nūr*) and gold (*tibr*), the fragrant narcissus (*al-narjis al-ghaḍḍ*), or the colour of the stars that shine in the distance (*lawn al-nujūm al-zāhirāt 'alā l-bu'd*), and adds that only the most ignorant prefer the colour black (*al-lawn al-musawwad*), for him the "anticolour," since black describes the inhabitants of hell (*alwān ahl al-jahannam*), black is the clothing of those who mourn with the grief of losing a child; and, to cap it all, flags hoisted against orthodoxy are dyed black; that is, the flags of the Abbasids, which replaced the white of the Umayyads, who were for Ibn Ḥazm the legitimate caliphs, and whose dynasty he always defended.²⁴⁹ The dialectic of light and darkness, white and black, now comes together with the moral dialectic of good and evil, and to the aesthetic opposition of beauty and ugliness. All of this is in line with his theory of light and colour, where he identifies light and whiteness, on one hand, and darkness with black on the other; or likewise, the perfection and completeness of vision and colour, compared to the blindness of anticolour; and, ultimately, knowledge against ignorance. Also the *ẓāhir* against the *bāṭin*, on which he bases his *fiqh* and his theory of knowledge.

Thus, when Ibn Ḥazm explains the beauty of his slave-girl Nu'm, he does so following the usual parameters of classical Arabic poetry: he says, first, that she reaches "the pinnacle of beauty both inside and out" (*ghāyat al-ḥusn khalq^{an} wa-khuluq^{an}*),²⁵⁰ and then describes her poetically as a "whiteness like the sun when it rises" (*bayḍā' ka-l-shamsi in badat*),

²⁴⁹ Ibn Ḥazm, "Ṭawq" (Chapter 7), p. 132f; cf. García Gómez, *Collar*, p. 135 n. 5.

²⁵⁰ Ibn Ḥazm, "Ṭawq" (Chapter 24), p. 224; the same idea of inner and outward beauty in *ibid.*, p. 259.

while the other girls are merely stars (*nujūm*) beside her,²⁵¹ thus following the classic pattern of the perfect brightness of the sun that eclipses the stars, particularly frequent in laudatory court poetry, whose metaphors applied to the sovereigns we can even see engraved on the walls of the Alhambra. Another of the beauties Ibn Ḥazm met had all the ingredients of physical beauty, the water of youth (*mā' al-shabāb*), springs of charm and grace (*yanābī' al-malāḥa*) and, of course, her brightness: "the stars of beauty (*nujūm al-ḥusn*) appeared in the sky of her face, shining and lighting up, and the flowers of beauty (*azāhīr al-jamāl*) sprang, bloomed and overflowed in her cheeks,"²⁵² to the point of considering it as a light created by God, and the achievement of an inexplicable degree of beauty and the highest goodness:

She is a virgin made from light (*nūr*) by the All-Merciful,
Whose beauty surpasses all human reckoning.
If on the Day of Judgement, when the trumpets sound
My deeds had such fair beauty (*ḥusn šūratihā*)
I should be the happiest of all God's servants
In Paradise and in my relations with the houri virgins.²⁵³

These notes should suffice to give an idea of Ibn Ḥazm's aesthetics of light, in line with the classical Arabic poetical tradition and the limits set by his theory of knowledge.

²⁵¹ Ibn Ḥazm, "Ṭawq" (Chapter 24), p. 224. See Celia del Moral Molina, who notes the representation of the white shining woman throughout Andalusī poetry, and makes an inventory of the female form admired by the poets of al-Andalus, which manifests itself in a new taste for contrast, slenderness, undulation and delicacy ("La imagen de la mujer a través de los poetas árabes andaluces (siglos VIII–XV)," *La mujer en Andalucía. Actas del 1^{er} encuentro interdisciplinar de Estudios de la mujer*, Granada 1990, vol. 2, pp. 703–730). See also Henri Pérès, "La mujer y el amor," *Esplendor de al-Andalus*, Madrid 1983, pp. 399–407; Maḥmūd Sobh, "La poesía amorosa arábigo-andaluza," *Revista del Instituto Egipcio de Estudios Islámicos* 16 (Madrid 1971), pp. 71–109.

²⁵² Ibn Ḥazm, "Ṭawq" (Chapter 29), p. 273f.

²⁵³ Trans. A.R. Arberry, *The Ring of the Dove*, p. 141; Ibn Ḥazm, "Ṭawq" (Chapter 29), p. 274. Ibn Ḥazm also attributes aesthetic qualities to boys, as when he refers to a youth with a beautiful face (*ḥasan al-wajh*) and gentle movements (*ḥulw l-ḥarakāt*) who provokes attraction and love ("Ṭawq" (Chapter 17), p. 169), or the one whose face was so perfect that there was nothing wanting nor unnecessary in it (*wa-l-wajh tamma fa-lam yanquṣ wa-lam yazid*) ("Ṭawq" (Chapter 24), p. 221). At other times he alludes to the loved one in the abstract, poetically comparing her even to paradise: "I think you are a vision of Paradise (*timthāl al-jinān*) that God concedes / to those of His friends who are true ascetics" (based on trans. by García Gómez, *Collar*, p. 218; Ibn Ḥazm, "Ṭawq" (Chapter 24), p. 218).

f) *The Transitory Nature of Beauty*

If in Plato's *Symposium* or in the *Rasā'il Ikhwān al-Ṣafā'* the concept of eternity is essential to define the upper, metaphysical, level of love and beauty,²⁵⁴ in the work of Ibn Ḥazm, by contrast, there is a prevailing view of loving union and of sensual beauty coming to an end, for we are all subject to the laws of time and death.²⁵⁵ From this point of view, all that remains is our stay in the Hereafter, and it is towards this that the human being should be directing his works. But, as we shall argue, we cannot apply our aesthetic concepts to the occult, since we cannot explain what totally escapes our understanding. Physical beauty, despite its splendour, is ineluctably ephemeral. When Ibn Ḥazm meets a beautiful woman who once refused to let him see the beauty (*jamāl*) of her face, he notes that "most of her charms (*maḥāsin*) had changed, her freshness (*naḍāra*) was gone, her comeliness (*baḥja*) was finished, and the moisture that made her face seem like a polished sword or a mirror from India had drained away; faded now was the flower to which the gaze turned in fascination (*munbahiran*), acknowledging it with gratitude (*mutakhayyir^{an}*) and abandoning it, puzzled (*mutaḥayyir^{an}*) . . ."²⁵⁶ Ibn Ḥazm feels a similar sensation with his nostalgic memories of his lost properties of Balāt Mughīth in Cordoba: "Ruination has transformed everything; prosperity has turned into barren desert; society, into terrible loneliness, beauty (*ḥusn*) into scattered rubble; tranquillity into frightening crossroads. The places once inhabited by men like lions and virgins like ivory statues (*kharā'id ka-l-dumā*), who lived among countless delights (*ni'am*), are now the refuge of wolves, the plaything of ogres, amusement for jinns and the lair of wild beasts. Its leaders have been broken up, and they are all scattered in a thousand directions".²⁵⁷ The fine decorations of these palaces were likewise prey to destruction: "Those halls full of inscriptions (*al-maḥārīb al-munammaqa*), those decorated cabinets (*wa-l-maqāṣir al-muzayyana*), which shone like the sun and chased away sadness by the mere sight of their beauty (*ḥusn manẓarihi*), now—invaded by the desolation and covered by ruin—are like the open jaws of wild beasts who show how fleeting this world is

²⁵⁴ *Symposium* 210–212c; *Rasā'il Ikhwān al-Ṣafā'*, vol. 3, p. 286.

²⁵⁵ Ibn Ḥazm, "Ṭawq" (Chapter 25), p. 238f.

²⁵⁶ Ibn Ḥazm, "Ṭawq" (Chapter 27), p. 252.

²⁵⁷ Based on trans. by García Gómez, *Collar*, p. 227f.; Ibn Ḥazm, "Ṭawq" (Chapter 24), p. 227f.

(*fanā' al-dunyā*) (...).²⁵⁸ And so both physical beauty and that of human works of art, both marked by the signs of perfection and light, have their destiny marked in time; they are perishable. This leads us to ask the question: Is the idea of *ḥusn*, or the highest level of beauty, defined by Ibn Ḥazm as the recognition of kindred souls once physical form has been overtaken by abstraction, a kind of beauty outside time? And in what sense can this beauty be considered metaphysical?

3.3 *The Metaphysical Sense of the Aesthetics of Ibn Ḥazm*

a) *Beauty as Spiritual Accident*

As we have seen, Ibn Ḥazm conceptualizes and versifies love and beauty with a dual physical and spiritual dimension. Physical beauty is both a cause that hides the character of affinity of the soul beheld and that may even lead to perdition, and a way leading to the perception of those characteristics. And this is where we should place Ibn Ḥazm's metaphysics of beauty, or rather, its spiritual dimension, since the highest degree of perception of beauty (*ḥusn*) is reached when the soul extracts all the associated sensory aspects from the material observed. However, Ibn Ḥazm does not clarify these concepts any further, but nor does his aesthetics of light follow the course of Illuminationist Neo-Platonism. He does not accept an aesthetic of the supernatural and maintains a careful balance between a metaphysical and sensory concept of light. We also saw above that, from Ibn Ḥazm's perspective, one can only talk about beauty or ugliness regarding the soul in an accidental sense; that is, the soul does not need to be, or not be, beautiful in essence. The attraction between souls is produced by a correspondence in the accidents of the soul, so it can also attract "ugly souls," that is, those which have adopted a configuration opposite to the beautiful.²⁵⁹ The passion of the soul for beautiful forms may not go beyond simple desire, or else it may exceed the materiality of the physical world when it sees some similarities in the purity of the soul

²⁵⁸ Based on trans. by García Gómez, *Collar*, p. 227f.; Ibn Ḥazm, "Tawq" (Chapter 24), p. 227f.

²⁵⁹ Lomba Fuentes, after attempting to show that for Ibn Ḥazm the soul is beautiful, admits that for Ibn Ḥazm the soul is composed of an intelligent part and another subject to sexual desire which prevents it from being perfect; human liberty can thus produce a good or bad soul, depending on its actions. The soul will only achieve total perfection in the Afterlife ("La beauté objective," p. 165).

behind the tangible forms. This similarity cannot be explained in terms of a transcendent beauty, but as an affinity of “powers” (*quwā*) and “composition” (*tarkīb*), not of essences. Nor does Ibn Ḥazm speak of *ittiḥād*, or the metaphysical union of souls, as do the *Ikhwān al-Ṣafāʾ* or Ibn Sīnā, but of the perception or understanding of identity. So Lomba Fuentes, in trying to clarify Ibn Ḥazm’s idea of the beauty of the soul, recognizes that our *faqīh* from Cordoba does not describe its beautiful qualities, but speaks of lightness, memory, discernment, intelligence and life given by God, and its lack of the qualities of material bodies, such as surface, heat, cold, moisture, gentleness, etc.; in other words, of the proper accidents of matter, but not of inherent aesthetic characteristics.²⁶⁰ Lomba Fuentes also adds that the possible contradiction between sensory and spiritual aesthetics is avoided in the work of Ibn Ḥazm by placing the highest level of beauty where the progressive extraction of material forms is completed, and by perceiving the pure affinity between souls. However, the question remains whether in Ibn Ḥazm’s thinking this perception is possible outside of the senses. It seems not. Ibn Ḥazm essentially has a concept of the soul as eminently vital and sensitive, and never falls back on inspiration or enlightenment to explain either the phenomenon of aesthetics, or of love, or any other; with the exception of that of prophecy, keeping to the sacred texts. This does not mean that he does not conceive the soul as a substance superior to the corporeal world; nor that he inclines towards the perfect and the exalted; but substance can only be perceived through the senses and tangible forms, and the perception of the higher values of beauty occurs only after a preliminary visual and sensory contact. There is a subsequent purifying abstraction, which eliminates the pitfalls and limitations of material and its forms, in order to achieve a pure process of understanding. This, as we have noted above, responds to an innate characteristic given by God to man, and is beyond our capacity for explanation. However, we must stress once again that Ibn Ḥazm’s beauty is not defined outside or beyond his psychology; and whenever he describes the relationship between souls, where love and the perception of beauty take place, he does so in terms of vision and sensory perception, never of beatific contemplation.

Having said that, at what level is the radiance of beauty produced? First, the light that we can perceive, in spite of its particular qualities, is part of

²⁶⁰ Lomba Fuentes, “La beauté objective,” p. 164.

the sensory world, whether in its material dimension or spiritual dimension. The light expressed in the sacred texts and related to the Divinity, as we shall see, belongs to a level totally beyond our understanding. The light of the sensory world is the one that allows vision, and with its intensity it sharpens colours and makes their perception perfect: it is the brightness of the beauty of sensible forms. This light, however, has a spiritual dimension. For, to be consistent with Ibn Ḥazm's thinking, the shine or sparkle that attracts hearts when they capture beauty itself beyond the physical form can only be the light of pure intellectual knowledge, free of any adherence to matter. Nothing therefore allows us to speak of an emanation of divine light, but simply of the complete and total perception of kindred qualities found in the soul being contemplated. Ibn Ḥazm thus conceives a superior beauty which is not exclusively sensory, but he does not elevate it beyond the powers of the human soul, nor does he move it into the world of divinity and supernatural beings.

b) *The Divinity and the Supernatural Beings Cannot Be Defined in Terms of Aesthetics*

Ibn Ḥazm's axiom whereby we can say nothing about the occult, which does not belong to the order of the natural world, with the exception of the correctly interpreted revealed truths, plays a particularly important role in his aesthetics since, as Lomba Fuentes has shown, Ibn Ḥazm makes no direct statement about the beauty of God and Paradise, angels or jinns; we can only make indirect guesses. All this reinforces our thesis that Ibn Ḥazm's concept of beauty, at its point of greatest abstraction and transcendence of physical forms, belongs to the level of the faculties of the soul; this is a created substance and thus belongs to the natural world. Another thing is the transcendental dimension of the human soul. As promised by the Revelation, the soul will survive death, and uniting with its own body after the resurrection, it will be able to enjoy the sensual delights of Paradise described in the Qur'ān. But all these events belong to the supernatural order, and the Revelation couches it in terms which are completely alien to what we know in this world, and about which we can make no conjectures. From our earthly level it is impossible to know that supernatural order and confirm anything about its beauty, not even in the highest degree of purity, light and perfection that our soul can conceive.

The theme of a hypothetical beauty of God may be investigated in the thinking of Ibn Ḥazm through two questions: that of the divine attributes, which he sets out in various parts of his work, and that of the visibility

of God (*al-kalām fi l-ru'ya*).²⁶¹ For Ibn Ḥazm all the theories of the divine attributes developed by Islam represent an anthropomorphization of the divinity and are, therefore, to be refuted and rejected. In his view, the word “attribute” (*ṣifa*) does not belong to the Revelation, and involves applying to the divinity a combination of substance and accident.²⁶² Based on this unyielding premise, Ibn Ḥazm accepts only the names that the Qur’ān itself reveals about God which, in addition, have nothing to do in terms of their meaning with the human knowledge of language; they are rather divine names, whose dimensions seem entirely to transcend our knowledge.

Thus, when in the *Fīṣal* he looks at the issues raised by the Revelation about the divine essence, he comments among others on these names applied to God in the Qur’ān: *‘Ilm* (Science), *Samī‘* (Listener), *Baṣīr* (Seer),²⁶³ while denying that attributes can be established based on these, or that human reason can understand them. These are names which are completely outside the natural world, and in a state of absolute transcendence. Unlike most Muslim scholars and theologians of every period, Ibn Ḥazm does not declare Beauty (*Ḥusn, Jamāl, al-Jamīl*) to be among the Divine Names, since the revelation does not give it as such. The famous *ḥadīth* “God is beautiful and loves beauty,” repeated by the most diverse thinkers of Islam, and upon which mysticism, and especially Ibn ‘Arabī, would found a whole philosophy of Divine Beauty and a whole school of thought, is not even taken into account by Ibn Ḥazm. Nor can the concept of perfection be applied to God, as he says in his criticism of Christians: “the Creator (*al-Bāri*)” cannot be described (*lā yūṣaf*) in terms of perfection (*kamāl*) or completeness (*tamām*), since both belong to the category of addition (*iḍāfa*), because they have no place except in discussing imperfection (*naqṣ*). The meaning of both is to add one thing to another, supplementing its attributes (*ṣifāt*), and without which it would be imperfect.”²⁶⁴ In short, as far as attributes are concerned, the word beauty cannot be said of God because, first, it is not a revealed name and,

²⁶¹ Ibn Ḥazm, *Fīṣal*, vol. 3, pp. 2–4; trans. Asín Palacios, *Abenḥázam*, vol. 3, pp. 239–241.

²⁶² Asín Palacios, *Abenḥázam*, vol. 2, p. 59. Sālim Yafūt, *Ibn Ḥazm wa-l-fikr al-falsafī bi-l-Maghrib wa-l-Andalus*, p. 392f.

²⁶³ God sees, hears and knows through His essence, not with organs like ours (*Fīṣal*, vol. 2, pp. 140–153). Ibn Ḥazm mentions in other passages concepts such as Life, Will, Omnipotence and the Word, also applied to God by the Scriptures. See also Ibn Ḥazm, “Taqrīb,” p. 298f.

²⁶⁴ Ibn Ḥazm, *Fīṣal*, vol. 1, p. 52. Among Muslims, for example, the Brethren of Purity also applied the concept of perfection to God (*Rasā’il Ikhwān al-Ṣafā’*, vol. 3, p. 286).

secondly, if it were, we could only say that it is a different beauty from what we can know with our senses and our intellect. When, in another chapter of the *Fiṣal*,²⁶⁵ Ibn Ḥazm expounds the theory of Divine Oneness (*tawḥīd*), he makes a new refutation of anthropomorphism (*tashbīh*), accepting that God is a transcendent agent and an unmoved mover; but he denies that He is body and light: “If they brought us a revealed text that called the Almighty ‘body’ (*jism*), we should call Him so, and in that case only, we would say that this is a different body from other bodies, as we say He is Wise (*ʿAlīm*), Powerful (*Qadīr*) and Living (*Ḥayy*). As for the word ‘thing’ (*shayʾ*), the text also applies it to God, and logical reason (*burhān*) requires it be stated about Him.”²⁶⁶ For Ibn Ḥazm *thing*, *entity*, *being*, *reality* or *existing* are synonymous. But more interesting here for us is Ibn Ḥazm’s reflection of the term “light” in relation to God:

Some say that God is light (*nūr*) and prove it with this expression of the Almighty: “God is the Light of the heavens and the earth (*Allāh nūr al-samāwāt wa-l-aṣṣ*)” [Q 24:35]. Light must be of one of these two kinds: body (*jism*) or accident (*ʿaraḍ*), and whichever of the two things it is, apodictic reason states that the Almighty is neither body nor an accident.²⁶⁷ If He Himself has said that “God is the Light of the heavens and the earth,” it means (*maʿnā*) that God guides by enlightening the souls (*bi-tanwīr al-nufūs*) towards the Light of God Almighty in heaven and earth. The apodictic reasoning (*burhān*) of this is that God includes the earth among all the things of which He says He is the Light. Therefore, if it were a matter of the usual light which illuminates us, it would never stop shining even for an instant, night or day, while we can see that quite the opposite happens.²⁶⁸

Ibn Ḥazm’s commentary directly rejects any comparison of God with the light we perceive, although at the same time he speaks of the existence of a divine light about which, however, we can say nothing, because it is beyond our perception and our knowledge. We shall have occasion to see the great difference between the brief exegesis of Ibn Ḥazm on this famous Qurʾānic verse on divine light and those produced by other Islamic movements, especially Illuminationism and Sufism. Therefore, two of the main traditional attributes of beauty, namely light, at least as perceived in the natural order, and perfection, are not applicable to God; and in terms of beauty itself, Ibn Ḥazm does not touch the subject, since, as was said,

²⁶⁵ Ibn Ḥazm, *Fiṣal*, vol. 2, pp. 117–122; trans. Asín Palacios, *Abenházam*, vol. 3, pp. 169–175.

²⁶⁶ Ibn Ḥazm, *Fiṣal*, vol. 2, pp. 119ff; cf. trans. Asín Palacios, *Abenházam*, vol. 3, p. 172.

²⁶⁷ While everything that exists in this world is body or accident.

²⁶⁸ Ibn Ḥazm, *Fiṣal*, vol. 2, p. 119; trans. Asín Palacios, *Abenházam*, vol. 3, p. 172.

he does not consider that any revealed text confirms these claims; and in any case it would never be a beauty within reach of our powers.

As for the subject of *contemplatio Dei*, Ibn Ḥazm approaches it from a position which is contrary not only to the doctrines that consider God visible in this life, even though it never actually happens, but also against the Muʿtazilis, for whom God will not even be seen (*lā yurā*) in the Afterlife (*al-ākhirā*); and, of course, against the anthropomorphists (*al-mujassima*), who consider Him to be visible in this life and in the next.²⁶⁹ Those who deny God's visibility base themselves on arguments acceptable in principle to Ibn Ḥazm; namely, that "normal vision (*ruʿya*) in us is solely and exclusively about colours (*alwān*), and this is completely alien to the Creator;" however, once he has denied physical vision regarding God, Ibn Ḥazm declares that "God is visible only in the Afterlife thanks to a power (*quwwa*) that will be granted by the Almighty, and different from our current ocular powers; those who support this theory call it the 'sixth sense' (*al-ḥāssa al-sādisa*). The explanation is that we know God perfectly through our hearts (*qulūb*), of which there is no doubt; and then afterwards God will put into our eyes (*abṣār*) a power with which to contemplate Him (*tushāhid*) and see Him (*tarā*), like the one He put into our hearts in this world, and which is the same as that which He placed in the ear of Moses, so that he could look at Him and listen to Him."²⁷⁰ The Muʿtazilis denied this possibility of *contemplatio Dei*, citing the Qurʾānic passage that says: "The human eye reaches Him not (*lā tudrikuhu l-abṣār*)" (Q 6:103). But Ibn Ḥazm responds, this time using linguistics: God denies "perception" (*al-idrāk*), a term whose meaning is superimposed on sight (*naẓar*) and vision (*ruʿya*), and has the sense of "detailed understanding or communication" (*iḥāṭa*). That is to say, it is a different concept of sight and vision, and it must be ruled out with regard to God, both in this world and the next. In other words, vision, which in Arabic also has the meaning of knowledge (*raʾā*), will be possible only in the Afterlife, with a power different from the earthly power, but we do not know how. What the Qurʾān itself rules out is the *perceptio Dei* understood as a more intense understanding of the divinity.²⁷¹ Thus we can see the way closed to the

²⁶⁹ Ibn Ḥazm, *Fiṣal*, vol. 3, pp. 2–4; trans. Asín Palacios, *Abenházam*, vol. 3, pp. 239–241.

²⁷⁰ Ibn Ḥazm, *Fiṣal*, vol. 3, p. 2; trans. Asín Palacios, *Abenházam*, vol. 3, p. 240, on a "sixth sense" understood by Ibn Ḥazm to be a special power of the soul which captures the divinely-originated axiomatic truths with which our understanding functions.

²⁷¹ Ibn Ḥazm, *Fiṣal*, vol. 3, p. 3f.; trans. Asín Palacios, *Abenházam*, vol. 3, p. 240.

possibility, once again, of an aesthetic of *contemplatio Dei*,²⁷² which other great scholars of Islam had no inhibitions in developing, even placing it in the very centre of their metaphysics.

As for the topics of Qur'ānic language and divine creation as a possible reflection of divine beauty that were raised, in fact, by Lomba Fuentes,²⁷³ it must be said that from Ibn Ḥazm's conclusive views on both topics we cannot deduce any kind of divine Beauty. In a previous section (2.4.4. d) we saw Ibn Ḥazm's explanation on the inimitability of the Qur'ān (*i'jāz al-Qur'ān*): The Qur'ān absolutely cannot be compared with anything: not with human rhetoric nor anything else belonging to this world. Its eloquence and style are great only in the sense that they express what God wants, but its perfection, like that of the created world, is beyond our reach and we can only testify to it. With regard to his ideas about perfection and the immutable order of creation, we have already discussed this in 2.4.2., confirming that for Ibn Ḥazm the harmony and beauty of sensible forms is something tangible; but it belongs to the world of what is created, and tells us nothing about divine beauty, but only about the existence and power of the Creator. From the beauty of the physical world Ibn Ḥazm does not infer the superior beauty of the Creator, as would Thomas Aquinas, Albertus Magnus and many others, including Muslim and Christian mystics.²⁷⁴ The Creator does not belong to the world of bodies, accidents and forms, so we cannot consider Him beautiful in our sense of the term, however spiritual and abstract this term becomes; nor yet in a figurative sense, since the Revelation does not name Him as such.²⁷⁵

²⁷² We have seen above how Ibn Ḥazm refrained from mentioning beatific contemplation when referring to love for God.

²⁷³ Lomba Fuentes, "La beauté objective," p. 171. Lomba Fuentes acknowledges that Ibn Ḥazm goes no further than to consider the language of the Qur'ān as "excellent"; but he deduces from Ibn Ḥazm's theory on the inimitability of the Qur'ān that the Qur'ānic language is beautiful, both for the ideas it contains and for its sublime origins; and for the perfect adaptation between the expression and the content that God wishes to transmit. However, it must be acknowledged that Ibn Ḥazm does not talk in aesthetic terms about *i'jāz al-Qur'ān*.

²⁷⁴ Lomba Fuentes, "La beauté objective," p. 172. On this issue and that of the transcendence of beauty, see José Valverde, "Introducción a la polémica aristotélico-tomista sobre la trascendencia metafísica de la belleza," *Revista de ideas estéticas* (1955), pp. 23–35; curiously, the tripartite division of beauty that José M^a Valverde offers follows a tripartite scheme similar to that of Ibn Ḥazm, although with different contents: an inferior material beauty, another intermediate linked to *verum* and *bonum*, and another which is divine, transcendental and universal; in the latter, especially, Ibn Ḥazm takes another direction, since his transcendent beauty is not elevated towards God, but stops in the human spiritual world.

²⁷⁵ Lomba Fuentes ("La beauté objective," p. 172) repeats his puzzlement at the fact that Ibn Ḥazm does not call God beautiful, in spite of possessing a clear awareness of formal beauty and spiritual beauty; consequently, according to Lomba Fuentes, the fact that the

Ibn Ḥazm, on the other hand, reiterates throughout his work that the main goal of man is salvation, namely achieving the promised Paradise. In the commentaries he makes on it, he confirms the pleasures of the senses and the absence of corruption awaiting the blessed there. This idea was criticized as inconsistent by some exegetes: “They object to us: you say that the inhabitants of Paradise (*ahl al-janna*) eat, drink, dress, lie with women, that there are virgins (*jawārī abkār*) created for them; and that it is a place where there is no corruption, disputes, or mixing, whereas all of the above are things which can be caused and are corruptible. How is this explained?”²⁷⁶ But Ibn Ḥazm answers with a three-way attack, with one logical argument (*burhān*) based on the sacred texts (*samaʿī*), another purely theoretical logical argument (*naẓarī*), and a third persuasive (*iqnāʿī*) argument based on principles accepted by his opponents. For Ibn Ḥazm the first argument is the key: we have accepted that God created all things, invented them and originated them without starting from anything else, nor on any previous base. God creates what He wants, and His omnipotence is total in this as in the other world; and, since His Prophet revealed that in the Afterlife there will be “food, drink, clothing and sexual union (*waṭīʿ*),” this information necessarily forms part of our knowledge (*ʿilm*). The second argument he offers is even more interesting for us, as he again outlines his aesthetic theory as a perception of kindred forms on the part of the soul; this time they are not in the soul being contemplated, but in sensory perceptions of nature and artistic works:

God created our souls (*khalaqa anfusanā*) and ordered their essences and innate characters, so it is not at all impossible for them to enjoy (*iltidhādh*) food, drinks, delightful scents (*al-rawāʾiḥ al-ṭayyiba*), beautiful views (*al-manāẓir al-ḥasana*), melodic sounds (*al-aṣwāt al-muṭriba*) and wonderful clothes (*al-malābis al-muʿjiba*), according to the suitability (*muwāfaqa*) of all this for the essence of our soul. This cannot be rejected, and there is no doubt that it is the souls which take pleasure (*al-multidhdha*) in all of the above, and that the bodily senses (*al-ḥawāss al-jasadīyya*) are windows that lead such delights to the soul, as well as anything that causes aversion (*makāriḥ*). The body is completely devoid of sensitivity (*ḥiss*).²⁷⁷

Qurʾān does not call God by that name must have weighed heavily on Ibn Ḥazm. I am of the same opinion, but I think it worth stressing once again that Ibn Ḥazm’s position does not arise from one simple circumstance, but rather depends on his theory of knowledge: the inaccessibility of the transcendental to the human being, and accepting the Revelation according to the clear and common meaning of language.

²⁷⁶ Ibn Ḥazm, *Fīṣal*, vol. 2, p. 106; cf. trans. Asín Palacios, *Abenházam*, vol. 3, p. 153; Lomba Fuentes, “La beauté objective,” p. 174.

²⁷⁷ Ibn Ḥazm, *Fīṣal*, vol. 2, p. 107; trans. Asín Palacios, *Abenházam*, p. 153f.

Therefore, after the resurrection, our souls will return to receive and enjoy these pleasures, with the difference that in this sublime world there is no corruption:

Such is the nature that the essence of our souls (*tabī'at jawhar anfusinā*) possesses, and the only way they exist. When God gathers our souls together on the day of resurrection, with the bodies linked to them (*al-ajsād al-murak-kaba lahā*) and they are once again as they were, they will be rewarded and will delight in their pleasures (*na'imat bi-malādhdhīhā*) and what their own nature wishes, which is only like this, and feels nothing but these pleasures. However, the food that is there is not prepared with fire, and has no defects (*āfāt*), it does not turn to dirt (*qadhar^{an}*), nor into blood, since there is no slaughter [of animals], no pain, no change, neither death, nor corruption. God has already said: "They will not feel headaches or light-headedness" [Q 56:19]. These dresses have not been woven with fabric, nor can they be destroyed, or altered, nor do they wear out. These bodies will have no worries in the Afterlife, nor moods, no blood, no damage. These souls have no vices (*radhīla*), spite, envy or ambition. The Almighty says: "Let us remove all resentment from their hearts" [Q 7:43]. The Messenger of God has further informed us that those who go to hell will be thrown into a river at the gate of Paradise (*janna*) to be purified and corrected, just as the text spoken by the Prophet says; after purification, announces the Messenger of God, they will go to Paradise. From this it follows that the pleasure (*malādhdh*) coming from those things and goods reaches the souls in the Afterlife according to the different perception that each soul has of these things, and according to the different types of pleasure that it finds in them; to all of this names will be assigned, to make us understand the intended meaning, and we have already said that Ibn 'Abbās (...) transmitted: "In Paradise (*janna*) there is nothing of what there is in the world (*dunyā*) except the names (*asmā'*)."²⁷⁸

Ibn Ḥazm insists on the truth of this last *ḥadīth* transmitted by the cousin of the Prophet. The soul will perceive through the senses "beautiful views," just as it will delight in the pleasures of the senses, but in a way completely unknown to us in this world, which suggests the existence of sensual and pleasurable beauty in Paradise; but we can testify nothing about them, since they are only nominally known through the Revelation.²⁷⁹ But the

²⁷⁸ Ibn Ḥazm, *Fiṣal*, vol. 2, p. 107f.; trans. Asín Palacios, *Abenházam*, pp. 153–155.

²⁷⁹ Nor does Ibn Ḥazm derive any aesthetic ideas on the subject of the houris (*al-ḥūr*), but merely reproduces the message of the Scriptures: "As for the houris (*al-ḥūr al-'ayn*), they are honourable women created in Paradise for those who are close to God (*awlīyā' Allāh*); they have intelligence and discernment, and obey God in the blissful (*al-na'īm*) Paradise where they were created, and in which they are eternal without ever sinning, for Paradise is not an abode of sin for those who enter it forever. The inhabitants of Paradise do not sin, they are in a place of joy (*al-na'īm*), praising God and keeping Him in their memory, and enjoying (*iltidhādh*) food, drink, clothing and sexual union; Muslims do not dispute this, for

fact that such pleasures exist in Paradise does not mean that by analogy earthly sensual pleasures outweigh the intellectual pleasures: “the pleasure of the intellectual with his discernment, the connoisseur with his knowledge, the wise man with his wisdom and the pleasure of him who strives for God (*ladhdhat al-mujtahid li-llāh*), are greater (*aʿzam*) than the pleasure of eating, drinking, sexual union, profit, gambling and the satisfaction the commander feels as he gives his orders.”²⁸⁰ The only thing that is really worthwhile is Paradise; all other pleasures of this world are relative: “whoever is delighted with the beauty of his voice (*wa-man surra bi-ḥusn ṣawtihi*) should know that many birds sing better, and the sounds of flutes (*mazāmīr*) are more pleasant and enjoyable (*aṭrab*) than his.”²⁸¹

Coming back to the supernatural world, let us look for a moment at Ibn Ḥazm's ideas about angels. He deduces from a careful reading of the sacred texts that the order of excellence of the creatures (*al-khalq*) is as follows: angels (*al-malāʾika*) rank first, followed by the prophets who are Messengers of God (*al-rusul*), the prophets who are not messengers or who lack a divine mission (*al-anbiyāʾ ghayr al-rusul*), and the Companions of the Prophet. This hierarchy is a divine gift, whose reason is only known to God. Both angels and the Messengers have a divine Mission, but the angels “were honoured to have been created from the outset in Paradise (*janna*) around His throne (*ʿarsh*), in the place that God promised to His Messengers and those who follow them, their last divinely-conferred power being to reach Him: that is, to reach the position and the place the angels have occupied since they were created, as God says in several passages in His Book.”²⁸² God also made the angels absolutely flawless, which is not the case with the prophets. God exempted the angels from the natural characteristics of imperfections that lead to lassitude and laziness, such as food, defecation, sexual union and the need to sleep, but He did not eliminate these deficiencies from the prophets. God freed the angels, therefore, from the pleasures (*ladhdhāt*) these acts carry with them, creating them, however, for the highest thing that exists: to worship and obey Him in everything he orders. We also know, thanks to the words of the Prophet, that God created the angels out of light (*wa-taʿālā*

the Qurʾān says so” (Ibn Ḥazm, *Fiṣal*, vol. 3, p. 263; trans. Asín Palacios, *Abenházam*, vol. 4, p. 160).

²⁸⁰ Ibn Ḥazm, “Risāla fi mudāwāt al-nufūs,” p. 335.

²⁸¹ Ibn Ḥazm, “Risāla fi mudāwāt al-nufūs,” p. 340.

²⁸² Ibn Ḥazm, *Fiṣal*, vol. 6, p. 22; Ibn Ḥazm also writes about angels in *Fiṣal*, vol. 4, pp. 32–35 and *Fiṣal*, vol. 3, pp. 259–263.

khalaqa l-malā'ika min nūr), while human beings were made of clay and *jinn* of fire,²⁸³ and “everyone knows the superiority of light to clay and fire, except those who have not received the light of God; and to whomever this happens, he is completely without light; the Prophet asked God to put light in his heart. The angels are thus of the same substance as that which the most excellent of humans asked his Lord to transfer to his heart”.²⁸⁴ Despite all these considerations, Ibn Ḥazm’s angelology is not nearly as complex as that of Ibn ‘Arabī, for example, but merely considers these celestial creatures according to the letter of scripture; in other words, as intermediaries between the perfect upper world and the lower world of imperfection, or between God and the souls who are to be saved,²⁸⁵ without going into a cosmology explained in terms of angels, or forming an aesthetic about them. As Lomba Fuentes acknowledges,²⁸⁶ Ibn Ḥazm does not deal with the beauty of the angels and limits himself to attesting, following the revealed texts, that they are luminous beings, pure, perfect, originally created in Paradise with God, with the mission of transmitting the revelation and worshipping and obeying God in everything; but we do not know them physically; nor, according to the ideas of Ibn Ḥazm, can we attribute to them qualities which have not been revealed and which belong to the level of mystery.²⁸⁷ His allusions to the light of these beings does not lead him, as it does other thinkers of Islam, to the elaboration of brilliant beatific and illuminist visions of them and of Paradise; rather, it keeps his thoughts within the linguistic context of the sacred texts, blocking his imagination to new interpretations.

3.4 *Ethical and Moral Beauty*

J. Lomba Fuentes has pointed out that the moral aesthetics of Ibn Ḥazm revolves around three main axes: a) ethical, referring to the good deeds

²⁸³ Ibn Ḥazm, *Fiṣal*, vol. 6, p. 26.

²⁸⁴ Ibn Ḥazm, *Fiṣal*, vol. 6, p. 26.

²⁸⁵ Ibn Ḥazm, *Fiṣal*, vol. 1, p. 77f.

²⁸⁶ Lomba Fuentes, “La beauté objective,” p. 175f.

²⁸⁷ As in the case of the *houri*s, Ibn Ḥazm does not talk about the beauty of the *wildān* of Paradise, who according to Asin Palacios must be the young people mentioned in the Q 56:17 and 76:19, nor about the beauty of *jinn*. He only says that, according to the texts, the *wildān* are the children who die before the age of reason, and with them God populated Paradise; but that we can know nothing else, because God creates and reports at will. As to the *jinn* he only says that they are igneous and that God sent his Prophet to reveal Islam to them; this order is completed with the infidels living in Hell, and the faithful, whose fate aroused disagreement among theologians. Ibn Ḥazm opts for Paradise, because God promised it for all believers (Ibn Ḥazm, *Fiṣal*, vol. 3, p. 263f.; cf. Lomba Fuentes, “La beauté objective,” p. 178).

of individuals, whose reward is in the Afterlife, b) religious, namely, the worship due to God, and c) aesthetic, in the sense that a good action is beautiful in itself: in love, it is love *per se*.²⁸⁸ This principle of the purpose of moral acts is also applicable, in the mind of Ibn Ḥazm, to the pursuit of science and the arts: both are good, depending on their purpose.²⁸⁹ We saw above how, while appreciating poetic achievements for themselves, Ibn Ḥazm offers a poetry whose central purpose is the direct transmission of ethical ideas, or to serve as an aid for the knowledge of grammar and language, and to go deeper into the message of Revelation.²⁹⁰ Music, too, is tolerated as entertainment along with other human activities, provided that it does not divert any human being from the path of salvation. As for science, in the same way its ultimate goal is the knowledge of the Revelation. However, having confirmed, as in the majority of the thinkers of classical Islam, the existence and central importance of an aesthetic of morality in the thought of Ibn Ḥazm, in which he reveals, as noted before, his theory of love and beauty, we must say that Ibn Ḥazm's ethics does not exhaust his aesthetics; and in his definition of beauty he does not overdo the moral concepts. Nor does he subordinate his concept of *ḥusn* or the higher grade of beauty to the idea of Good or Truth. This is unlike the case of his Eastern contemporary, the *qāḍī* 'Abd al-Jabbār (d. 1025 CE), who believed that the strict sense of *ḥusn* is that of *bonum*: in other words, goodness from the ethical point of view; while applying *ḥusn* to tangible forms is only a figurative way of speaking.²⁹¹ Nor do we find in

²⁸⁸ Lomba Fuentes, "La beauté objective," p. 167. Lomba Fuentes sees a parallel here between the ethics of Ibn Ḥazm and Ibn Bājja: "There are people who do these [righteous] acts because they are good (*khayr*) and beautiful (*jamīl*) deeds, and for no other reason. Whether their actions are known by others or not makes no difference: they do it with the same frequency and at the same time and place" (*Régimen del solitario*, ed. and trans. Asín Palacios, 1946, p. 82; J. Lomba Fuentes, *Ibid.*, p. 168). However, later we shall see the differences between the aesthetic thought of Ibn Ḥazm and that of Ibn Bājja, especially regarding the *contemplatio Dei*. Lomba Fuentes also points out that Ibn Rushd places the beauty of virtue on a metaphysical plane, believing that it depends on the intrinsic value of the chosen virtue, while Ibn Ḥazm and Ibn Bājja put it on the same plane as actions, because for both a virtue is beautiful when done for its own sake.

²⁸⁹ Lomba Fuentes, "La beauté objective," p. 168f.

²⁹⁰ I commented above on the definition and ethical proposals of Ibn Ḥazm on poetry, based on the concepts of technique (*ṣinā'a*), naturalness (*tab'*) and skill (*barā'a*).

²⁹¹ Qāḍī 'Abd al-Jabbār, in an extensive reflection on *al-ḥusn* as moral beauty in *al-Mughnī fī abwāb al-tawḥīd wa-l-'adl*, in which he raises the issue of human freedom and justice so dear to the Mu'tazilis, relegates formal beauty to a simple subjective reaction of the soul to the objectivity of moral values, and goes so far as to consider the application of the term *ḥusn* to the beauty of forms as a metaphorical use of language: "You will see that some sensible people, while agreeing on their knowledge of a form, consider it beautiful (*yastahsinuhā*),

the work of Ibn Ḥazm metaphysics of the beautiful such as that of Fārābī and other *falāsifa*. The beauty of Ibn Ḥazm has, in fact, a moral and inner dimension, frequently expressed by the term *ḥusn al-khuluq*, which often accompanies *ḥusn al-khalq*, or physical beauty. However, when Ibn Ḥazm deals with the binomials of virtue-vice, good-evil, right-wrong, which otherwise permeate all his work, he uses the combinations of *fadā'il-radḥā'il* or *ḥusn al-fadā'il* and *qubḥ al-radā'il*, etc.²⁹². But more rarely he uses the terms *ḥusn*—*qubḥ* alone, as was the case of 'Abd al-Jabbār, for example: rather he reserves these terms to express the idea of beauty and ugliness in the broad, sometimes, absolute sense, including the corporeal and spiritual character of human beings. With regard to *jamāl* and *jamīl*, these are concepts that occur less often in Ibn Ḥazm's aesthetic vocabulary; they are employed, as we have seen, only to define the partial external beauty of physical forms, but are rarely found in the field of ethics, as they are in Fārābī and other scholars. Among the latter these words have a similar status and are interchangeable with the concept of *ḥusn*, nor does Ibn Ḥazm's idea of *al-jamāl* have anything to do with the significance that the term achieved in Sufism, where it became a central concept of its conception of divinity and its philosophy, which is completely alien and even contrary to the thinking of Ibn Ḥazm.²⁹³ In short, the moral aesthetics of

and others ugly (*yastaqbiḥuhā*), depending on the fact that in one case the soul rejects it (*nufūr*) and in another desires it (*shahwa*). It may even happen that someone who refused it once desires it a second time, even if his knowledge of the form has not changed. This does not happen to sensible people with regard to lies and injustice, who, when they recognize them as such, do not change their opinion in considering them ugly, and in demanding the punishment of the culprit. In short, what makes us think of something as ugly is our natural rejection when we see it, which does not imply that it is really ugly, because that does not stop it from also being seen as beautiful". From this 'Abd al-Jabbār deduces that the moral concepts of the beautiful (*ḥusn*) and the ugly (*qubḥ*) only apply metaphorically (*maḥāz*) to visual forms, since "to consider such forms as ugly is a matter that depends on us, not on them. This is not true of justice, for example". To describe a person's looks (*khilqa*) with the term *ḥusn* is not like judging the goodness (*ḥusn*) of something, "because all the first case means is that the physiognomy is felt as pleasant (*tastahīl*) and that one wants (*yushṭahṣā*) to look at it," while the second involves knowledge and will ('Abd al-Jabbār al-Mu'tazilī, "al-Kalām fī l-'adl wa-fī l-ḥusn wa-l-qubḥ," texts selected by Mājid Fajrī in *al-Fikr al-akhlāqī al-'arabī*, vol. 1: *al-Fuqahā' wa-l-mutakallimīn*, Beirut 1978, pp. 33–42).

²⁹² In Ibn Ḥazm's moral reflections the aesthetic vocabulary is very limited, and comes down to appraisals along the lines of the following comment: "It is remarkable that the virtues are beautiful but arduous, while vices are ugly but easy" ("Risāla fī mudāwāt al-nufūs," p. 401).

²⁹³ We already find some of this vocabulary both in pre-Islamic poetry, with allusions to beauty (*ḥusn*, *jamāl*) as a integrity of the bodily organs, whiteness, brightness, graceful gestures, etc., and in the Qur'ān, with references to sensual and spiritual beauty. Clearly, Ibn Ḥazm still follows this tradition fairly closely, even more so compared to many of the

Ibn Ḥazm do not exhaust all his aesthetics, given that the latter includes the following minimum elements: a) an aesthetic of sensitive beauty, b) an aesthetic of inner qualities, including both ethical strengths and special abilities, c) a concept of higher beauty based on the idea of affinity, which occurs not only between virtuous souls, but also among those which are not. While the morals of the individual must be regulated by the properly guided desire for knowledge and reason, the aesthetic appreciation of the individual is not always to be found in this area; rather, the opposite happens, and it is driven by psychological states beyond the control of reason, when desire asserts itself. For this reason Ibn Ḥazm insists on the possibility of loving and considering beautiful what is not, and what goes against the very conduct or ethical well-being of the individual. His aesthetics depends on the natural beauty of the human soul, and when the impulses that direct it go beyond reason due to the attraction of sensible forms, to the passion of love, or to desire in general, his aesthetics goes beyond the framework of ethics and opposes it.

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commentators of classical Arabic poetry and the Qur’ān; we shall have occasion to give better proof of this. It is striking, however, that the vocabulary of Ibn Ḥazm lacks references to the concept of *zīna* and its synonyms, such as *jāhili* poetry and the sacred Book, probably ruled out by Ibn Ḥazm as a concept foreign to the beautiful subject’s own forms. In any case, ornamentation is a concept of which Ibn Ḥazm is particularly wary, always advocating a balanced austerity.

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PART V

THEOLOGY, PHILOSOPHY AND ETHICS

IBN ḤAZM'S SOURCES ON ASH'ARISM AND MU'TAZILISM*

Sabine Schmidtke

When Ibn Ḥazm died in 456/1064, Sunnī Mu'tazilism had reached its apogee. During the early 4th/10th century, its two major scholastic trends, the School of Baghdad and the School of Baṣra, had evolved in the Islamic East. Whereas the School of Baghdad had become largely irrelevant after the death of Abū l-Qāsim al-Balkhī al-Ka'bī (d. 319/931), the Baṣran School and, more specifically, the Bahshamiyya, named after its eponym Abū Hāshim al-Jubbā'ī (d. 321/933), had become the dominant school among the Mu'tazilis during the 4th/10th and 5th/11th centuries. Following Abū Hāshim's death the school doctrine was continued over the next generations by Abū 'Alī b. Khallād,¹ Abū 'Abd Allāh al-Ḥusayn b. 'Alī al-Baṣrī (*"al-Shaykh al-murshid,"* d. 367/978), Abū Ishāq Ibrāhīm b. 'Ayyāsh, and qāḍī l-quḍāt 'Abd al-Jabbār al-Hamadānī (d. 415/1025), who eventually succeeded Abū 'Abd Allāh as the head of the Baṣran school of the Mu'tazila and enjoyed the patronage of al-Ṣāhib b. 'Abbād (d. 385/995), the vizier of Mu'ayyad al-Dawla in Būyid Rayy.² Other rivalling trends within Mu'tazilism during Abū Hāshim's time, such as the School of Baghdad or the Ikshīdiyya, a movement founded by Abū 'Abd Allāh Muḥammad b. 'Umar al-Ṣaymarī (d. 315/927) and named after the latter's companion Abū Bakr Aḥmad b. 'Alī Ibn al-Ikshīd (d. 326/938),³ were of mostly historical value at the turn of the 5th/11th century.

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¹ On him, see Camilla Adang, Wilferd Madelung and Sabine Schmidtke, *Baṣran Mu'tazilite Theology: Abū 'Alī Muḥammad b. Khallād's Kitāb al-uṣūl and its reception. A Critical Edition of the Ziyādāt Sharḥ al-uṣūl by the Zaydī Imām al-Nāṭiq bi-l-ḥaqq Abū Ṭālib Yahyā b. al-Ḥusayn b. Hārūn al-Buṭḥānī* (d. 424/1033), Leiden 2011; cf. also Hassan Ansari and Sabine Schmidtke, "The Zaydī reception of Ibn Khallād's *Kitāb al-Uṣūl*: The *ta'līq* of Abū Ṭāhir b. 'Alī al-Ṣaffār," *Journal Asiatique* 298 (2010), pp. 275–302.

² On him, see Gabriel Said Reynolds, *A Muslim theologian in the sectarian milieu: 'Abd al-Jabbār and the critique of Christian origins*, Leiden 2004.

³ On him, see Daniel Gimaret, "Ebn al-Ekšīd, Abū Bakr Aḥmad," *Encyclopaedia Iranica*, vol. 8, p. 15f. Among Ibn al-Ikshīd's students was the renowned lexicographer and exegete 'Alī b. 'Isā al-Rummānī (d. 386/996). On him, see now Alena Kulinich, *Representing "a blameworthy tafsīr": Mu'tazilite exegetical tradition in al-Jāmi' fi tafsīr al-Qur'ān of 'Alī ibn*

Within Sunnism, Muʿtazilism continued to flourish for at least another two centuries. Among ʿAbd al-Jabbār's students were Abū Rashīd al-Nīsābūrī, who became the head of the Bahshamiyya following the *qāḍī l-quḍāt*'s death in 415/1025,⁴ his younger contemporary Abū Muḥammad Ibn Mattawayh (d. 469/1076), author of a paraphrastic commentary on ʿAbd al-Jabbār's *al-Muḥīṭ fī l-taklīf*, *al-Majmūʿ fī l-muḥīṭ*, and of *al-Tadhkira fī l-jawāhir wa-l-aʿrād*,⁵ Abū Muḥammad ʿAbd Allāh b. Saʿīd al-Labbād ("Qāḍī Labbād"), author of a *Kitāb al-Nukat* (lost),⁶ and Abū l-Ḥusayn al-Baṣrī (d. 436/1044).⁷ The latter had criticized his teacher ʿAbd al-Jabbār on a number of issues, and his doctrines later on gave rise to the last innovative school within Muʿtazilism.⁸ Abū l-Ḥusayn's theological thought was continued and propagated about a century after his lifetime by the Ḥanafī scholar and contemporary and associate of Jār Allāh al-Zamakhsharī (d. 538/1144), Rukn al-Dīn Maḥmūd b. Muḥammad al-Malāḥimī (d. 536/1141) in Khwārazm, where Muʿtazilism survived at least until the 9th/15th century.⁹

ʿĪsā al-Rummānī (d. 384/994), PhD dissertation, School of Oriental and African Studies, London 2012.

⁴ On him, see Hassan Ansari and Sabine Schmidtke, "Muʿtazilism after ʿAbd al-Jabbār: Abū Rashīd al-Nīsābūrī's *Kitāb Masāʾil al-khilāf fī l-uṣūl* (Studies on the transmission of knowledge from Iran to Yemen in the 6th/12th and 7th/13th c. I)," *Studia Iranica* 39 (2010), pp. 227–278.

⁵ See Sabine Schmidtke, "Ibn Mattawayh," *The Encyclopaedia of Islam. Three. Fasc.* 2012–1, Leiden 2012, pp. 147–149 (with further references).

⁶ An edition of fragments of one of his comprehensive *kalām* works that are preserved in the Abraham Firkovitch collection, St. Petersburg, is currently being prepared by Omar Hamdan and Sabine Schmidtke.

⁷ Among the less known students of ʿAbd al-Jabbār was Abū Ḥamid Aḥmad b. Muḥammad al-Najjār (d. 433/1041–2), who in turn was one of the teachers of al-Ḥākim al-Jishumī (d. 494/1101), the foremost representative of Ḥanafī Muʿtazilism in Khurāsān who embraced the Zaydī doctrine towards the end of his life. Al-Jishumī is the author of *Uyūn al-masāʾil*, together with his autocommentary *Sharḥ ʿuyūn al-masāʾil*, one of the most significant encyclopaedia-style works of Muʿtazilite history and doctrine. On him, see Jan Thiele, "La causalité selon al-Ḥākim al-Ġišumī," *The neglected Šīʿites: Studies in the legal and intellectual history of the Zaydīs*. Guest-Editor: Sabine Schmidtke = *Arabica. Journal of Arabic and Islamic Studies* 59 iii–iv (2012), pp. 291–318.

⁸ On him, see Wilferd Madelung, "Abū l-Ḥusayn al-Baṣrī," *The Encyclopaedia of Islam. Three. Fasc.* 2007–1, Leiden 2007, pp. 16–19 (with further references).

⁹ Most of his works on *kalām* and *uṣūl al-fiqh* are extant and have been published: *al-Muʿtamad fī uṣūl al-dīn*, a work that consisted originally of four volumes that are only partly extant (revised and enlarged edition by Wilferd Madelung, Tehran 1391/2012); *al-Fāʾiq fī uṣūl al-dīn*, which is summary of the *Muʿtamad* (eds. Martin McDermott and Wilferd Madelung, Tehran 2007); *Tuḥfat al-Mutakallimīn fī l-Radd ʿalā l-Falāsifa*. Edited with an Introduction by Hassan Ansari and Wilferd Madelung, Tehran 2008; *Legal Methodology in 6th/12th century Khwārazm: The Kitāb al-Tajrīd fī uṣūl al-fiqh by Rukn al-Dīn Maḥmūd b. al-Malāḥimī al-Khwārazmī* (d. 536/1141). Facsimile edition of MS Arab e 103

A close examination of the theological writings of Ibn Ḥazm¹⁰ shows that he was unaware not only of contemporary Mu'tazilism but also of the developments of the school during most of the 4th/10th century. When mentioning Abū Bakr Ibn Ikhshīd, Ibn Ḥazm states that the latter was one of the three heads of the movement into which the Mu'tazila had split at the beginning of the 4th/10th century, the other two being Abū Hāshim al-Jubbā'ī and Abū l-Qāsim al-Ka'bī.¹¹ He does not refer to any Mu'tazilī thinker later than these three. By contrast, Ibn Ḥazm is familiar with most of the earlier representatives of the movement, most of whom belong to its pre-scholastic phase. He polemicalizes against their views throughout his theological works and devotes an entire section of his *Fiṣal* to the refutation of Mu'tazilite doctrines.¹² Despite his characteristically harsh polemic tone, Ibn Ḥazm clearly considered Mu'tazilism to be a historical movement at best with little relevance as a living opponent.

This is confirmed when Ibn Ḥazm's sources for Mu'tazilī doctrines are analyzed, at least, as far as this can be done on the basis of the little information he provides. In the majority of cases, Ibn Ḥazm refrains from revealing his sources on the various Mu'tazilī doctrines and thinkers he discusses. The few exceptions where he provides titles are problematic

(Bodleian Library, Oxford), with an introduction and indices by Hassan Ansari and Sabine Schmidtke, Tehran 1390/2012.—That Mu'tazilite thought continued to exist beyond the 6th/12th century even in the central lands of Islam is attested, for example, by men of letters such as the Ḥanafī Mu'tazilī scholar Abū Ḥāmid 'Abd al-Ḥamid b. Abī l-Ḥadīd, author of *Sharḥ Nahj al-balāgha*, who passed away in 656/1258 in Baghdad. On him, see Wilferd Madelung, "'Abd al-Ḥamid b. Abu'l-Ḥadīd," *Encyclopaedia Iranica*, vol. 1, pp. 108–110 (with further references).—For a detailed account of Mu'tazilism during the 6th/12th century and beyond, see Gregor Schwarb, "Mu'tazilism in the age of Averroes," *In the Age of Averroes: Arabic Philosophy in the 6th/12th Century (Warburg Institute Colloquia)*, ed. Peter Adamson, London 2011, pp. 251–282.

¹⁰ Namely his *Kitāb al-Fiṣal fi l-milal wa-l-ahwā' wa-l-niḥal*; throughout this article, reference is given to the edition by Muḥammad Ibrāhīm Naṣr and 'Abd al-Raḥmān 'Umayra (5 vols, Beirut: Dār al-Jīl, 1405/1985) and to the edition by Aḥmad Shams al-Dīn (3 vols, Beirut: Dār al-kutub al-'ilmiyya, 1996, 2999, 32007). Generally on the *Fiṣal*, see Josef van Ess, *Der Eine und das Andere: Beobachtungen an islamischen hāresiographischen Texten* 1–2, Berlin 2011, pp. 837–856. Further his *Kitāb al-Durra fīmā yajib u i'tiqāduhu* (eds. Aḥmad b. Nāṣir b. Muḥammad al-Ḥamd and Sa'īd b. 'Abd al-Raḥmān b. Mūsā al-Qazaqī, Mecca 1408/1987) and his *Kitāb al-Uṣūl wa-l-furū'* (eds. 'Āṭif al-'Irāqī and Saḥir Faḍl Allāh Abū Wāfiyya, Cairo 1425/2004).

¹¹ *Al-Fiṣal*, vol. 5, p. 70f. / vol. 3, p. 140: *wa-huwa min ru'asā'ihim al-thalātha alladhīn intahat riyāsatum ilayhim wa-ftaraqat al-mu'tazila 'alā madhāhabihim wa-l-thānī minhum Abū Hāshim al-Jubbā'ī wa-l-thālith 'Abd Allāh b. Muḥammad b. Maḥmūd al-Balkhī al-ma'rūf bi-l-Ka'bī*. The passage is quoted in turn by Ibn Ḥajar al-'Asqalānī (d 787/1385) in his *Lisān al-mizān (al-Juz' al-awwal [-al-sādis] min Kitāb lisān al-mizān* 1–6, Hyderabad 1329–31/1911–13, vol. 3, p. 255f).

¹² *Al-Fiṣal*, vol. 5, pp. 57–72 / vol. 3, pp. 128–141 (*dhikr shina' al-Mu'tazila*).

and given the enormous time span between his and the respective authors' lifetime, it is unlikely that he had consulted most of them directly. Ibn Ḥazm refers to the *Kitāb al-Burhān* of al-Jāḥiẓ (d. 255/869),¹³ the heresiographical *Kitāb Fī l-Maqālāt* of Abū l-'Abbās 'Abd Allāh b. Muḥammad al-Anbārī ("al-Nāshī" al-Akbar" d. 293/906),¹⁴ Abū l-Ḥasan 'Alī b. al-Ḥusayn al-Mas'ūdī's (d. 345/956) *Kitāb Murūj al-dhahab wa-ma'ādin al-jawhar* as well as his *Kitāb al-Tanbīh wa-l-ishrāf*,¹⁵ "one of the books" (*ba'd kutubihi*) of Abū Bakr Ibn Ikhshīd,¹⁶ and "*al-Masā'il*" of Abū Ḥāshim al-Jubbā'ī.¹⁷

Ibn Ḥazm discusses Mu'tazilī doctrines in an exclusively polemical context which guides his selection of Mu'tazilī thinkers and doctrines. He often presents and refutes views of marginal figures within the movement, clearly for polemical purposes, such as the peculiar views of some disciples of al-Nazzām, e.g. on the transmigration of souls, such as Aḥmad b. Khābiṭ,¹⁸ Faḍl al-Ḥadathī¹⁹ and Ṣāliḥ Qubba²⁰ who were later ostracized

¹³ *Al-Fiṣal*, vol. 5, p. 61 / vol. 3, p. 131. Cf. also Charles Pellat, "Nouvel essai d'inventaire de l'œuvre ḡāhizienne," *Arabica* 31 (1984), pp. 117–164: 135 # 56.

¹⁴ *Al-Fiṣal*, vol. 5, p. 61 / vol. 3, p. 131; also *al-Durra*, p. 394. The excerpts of the *Maqālāt* that are preserved in the later literature have been collected and edited by Josef van Ess in his *Frühe mu'tazilitische Häresiographie: Zwei Werke des Nāṣī' al-Akbar* (gest. 293 H.), Beirut 1971. On the work, see also his *Der Eine und das Andere*, vol. 1, pp. 197–204; idem, *Theologie und Gesellschaft*, vol. 4, pp. 141ff, vol. 6, pp. 366ff.

¹⁵ Cf. van Ess, *Der Eine und das Andere*, vol. 2, p. 843. For available editions and translations of both works, see Ch. Pellat, "al-Mas'ūdī," *The Encyclopaedia of Islam*. New Edition, vol. 6, pp. 784–788 (with further references).—Ibn Ḥazm may in fact have consulted al-Mas'ūdī's *Kitāb al-Tanbīh* directly as the work is known to have circulated in al-Andalus and had also been used by Ibn Ḥazm's contemporary Ṣā'id al-Andalusī (d. 462/1070) in his *Ṭabaqāt al-umam*. Cf. van Ess, *Der Eine und das Andere*, vol. 2, p. 846 n. 76. See also Camilla Adang, *Muslim Writers on Judaism and the Hebrew Bible. From Ibn Rabban to Ibn Hazm*, Leiden 1996., p. 100f.

¹⁶ None of Ibn al-Ikhshīd's writings are preserved. His most comprehensive theological work seems to have been his *Kitāb al-Ma'īna fī l-uṣūl*. He apparently also wrote a commentary on the Qur'ān and is known to have authored several *fiqh* works. Cf. Daniel Gimaret, "Ebn al-Ekšīd, Abū Bakr Aḥmad," *Encyclopaedia Iranica*, vol. 8, p. 15f.

¹⁷ *Al-Fiṣal*, vol. 3, p. 142 / vol. 2, p. 131. The title cannot be identified as Abū Ḥāshim has numerous responsa collections to his credit (none of which has been preserved). Cf. Daniel Gimaret, "Matériaux pour une bibliographie des Ḡubbā'ī," *Journal Asiatique* 264 (1976), pp. 277–332; idem, "Matériaux pour une bibliographie des Jubbā'ī: Note complémentaire," *Islamic Theology and Philosophy: Studies in Honor of George F. Hourani*, ed. Michael E. Marmura, Albany 1984, pp. 31–38.—In addition, Ibn Ḥazm also refers explicitly to Abū 'Ubayd al-Qāsim b. Sallām b. 'Abd Allāh's (d. 224/838) *Risāla fī l-imān*. *Al-Fiṣal*, vol. 3, p. 246 / vol. 2, p. 226. See also van Ess, *Der Eine und das Andere*, vol. 2, p. 843. The text has been edited by Muḥammad Nāṣir al-Dīn al-Albānī in *Min kunūz al-sunna: Rasā'il arba'*, Damascus 1385/1965, pp. 47ff.

¹⁸ *Al-Fiṣal*, vol. 3, p. 157 / vol. 2, p. 146; vol. 5, p. 64f. / vol. 3, p. 134f.; vol. 5, p. 95 / vol. 3, p. 164.

¹⁹ *Al-Fiṣal*, vol. 3, p. 157 / vol. 2, p. 146; vol. 5, p. 64 / vol. 3, p. 134.

²⁰ *Al-Fiṣal*, vol. 3, p. 34 / vol. 2, p. 55; vol. 5, p. 71 / vol. 3, p. 140.

from the movement.²¹ He also associates with the Mu'tazila figures who according to the later school tradition did not belong to the movement, such as Ḍirār b. 'Amr (d. 200/815). This is typical for the pre-scholastic phase of the Mu'tazila, which is characterized by an enormous diversity in thought and fluid boundaries.²²

Ibn Ḥazm shares this approach with Ash'arite heresiographers of the East, such as his older contemporary 'Abd al-Qāhir al-Baghdādī (d. 429/1037) in his *Kitāb al-Farq bayn al-fīraq*. However, although it has been shown that Ibn Ḥazm may have had heresiographical source material at his disposal that was also available to 'Abd al-Qāhir al-Baghdādī, as is evident from the many parallels between Ibn Ḥazm's *Fīṣal* and al-Baghdādī's *Farq bayna al-fīraq*,²³ Ibn Ḥazm's statements often have no clear parallel in the available Eastern heresiographical literature,²⁴ and it is unknown which works were available to him and from where he had gleaned his information.

Throughout Ibn Ḥazm's works scattered remarks can be found that suggest that Mu'tazilism was still a living tradition in al-Andalus during his lifetime. Such statements need to be taken with caution. Like other Muslim historiographers, such as Ibn Ḥazm's onetime student Ṣā'īd al-Andalusī (d. 462/1070) in his *Kitāb Ṭabaqāt al-umam* and his contemporary Ibn Ḥayyān (d. 469/1076) in his *Kitāb al-Muqtabas*, Ibn Ḥazm accuses, for example, Muḥammad b. 'Abd Allāh al-Jabalī, better known as Ibn Masarra (b. 269/883 in Cordoba, d. 319/931 in Mecca) and some of his later followers, such as Ismā'īl b. 'Abd Allāh al-Ru'aynī, an older contemporary

²¹ Cf. van Ess, *Theologie und Gesellschaft*, vol. 3, pp. 418–445 (“Das Nachleben Naẓẓāms”). The relevant passages are translated in *ibid.*, vol. 6, pp. 215ff. # 24, 25, 29, 32.

²² Cf. van Ess, *Theologie und Gesellschaft*, vol. 4, p. 123: “Der Fall des Aḥmad b. al-Mu'addal hat gezeigt, daß jemand der Mu'tazila zugerechnet werden konnte, ohne ganz dem Bild zu entsprechen, das man sich von ihr und das auch sie sich von sich selber machte. Im biographischen Schrifttum der Mu'taziliten wird er bezeichnenderweise übergangen. Ähnliches galt, wie wir sahen, bereits für Ḍirār b. 'Amr. Solange die Mu'tazila in der Theologie weitgehend das Feld beherrschte, blieben ihre Grenzen für den Beobachter fließend; man hatte sich daran gewöhnt, daß in ihrem Umfeld Randsiedler auftraten, die nur in bestimmten Punkten von ihr abwichen.”—Cf. also *ibid.*, vol. 4, p. 133 on Ibn Badad (?) al-Ghazzāl, another “Mu'tazilī” according to Ibn Ḥazm.—It is noteworthy that Ibn Ḥazm shares Ḍirār's characteristic critical assessment of the authority of prophetic traditions as a legal source, although it is unlikely that Ibn Ḥazm was familiar with Ḍirār's *Kitāb al-Tahrīsh*. On the work, see Ḥasan Anṣārī, “Kitābi kalāmī az Ḍirār b. 'Amr,” *Kitāb-i māh* (Dīn) 89–90 (1383–4/2005), pp. 4–13; van Ess, *Der Eine und das Andere*, vol. 1, pp. 132ff. A critical edition of the *Kitāb al-Tahrīsh* is currently being prepared by Hassan Ansari and Wilferd Madelung.

²³ See, e.g., van Ess, *Theologie und Gesellschaft*, vol. 6, p. 269 # 102.

²⁴ See, e.g., van Ess, *Theologie und Gesellschaft*, vol. 6, p. 308 # 22.

of Ibn Ḥazm, of having agreed with the Muʿtazila on a number of issues.²⁵ In addition, Ibn Ḥazm associated the following Andalusī scholars with Muʿtazilism:

- Khalil b. ʿAbd al-Malik b. Kulayb (“Khalil al-Ghafla”) from Cordoba, a companion of Ibn Masarra who had studied for some time in the East the *Tafsīr* of al-Ḥasan al-Baṣrī (d. 110/728) in the transmission of ʿAmr b. ʿUbayd (d. 143 or 144/761);²⁶
- Abū Bakr Yaḥyā b. Yaḥyā (“Ibn al-Samīna,” d. 315/927–8) from Cordoba, who had also spent some time in the East and had studied with Khalil b. ʿAbd al-Malik, specifically al-Ḥasan al-Baṣrī’s *Tafsīr*;²⁷
- the chamberlain (*ḥājib*) Mūsā b. Muḥammad b. Saʿīd b. Mūsā b. Ḥudayr (d. 320/932);²⁸
- Mūsā b. Ḥudayr’s son, the vizier ʿAbd al-Raḥmān b. *al-ḥājib* Mūsā;²⁹
- Mūsā b. Ḥudayr’s brother, the vizier and *ṣāḥib al-maʿālim* Abū ʿAmr Aḥmad b. Muḥammad b. Ḥudayr (d. 327/938).³⁰ Both Mūsā and Aḥmad had served during the reign of ʿAbd al-Raḥmān III al-Nāṣir (r. 300/912–350/961);³¹

²⁵ *Al-Fiṣal*, vol. 4, p. 138 / vol. 2, p. 390; vol. 5, p. 65f. / vol. 3, p. 135f. Cf. also van Ess, *Theologie und Gesellschaft*, vol. 4, p. 558. For a critical evaluation of Ibn Masarra being influenced by Muʿtazilite notions, see van Ess, *Theologie und Gesellschaft*, vol. 4, p. 273f.; Sarah Stroumsa, “Ibn Masarra and the beginnings of mystical thought in al-Andalus,” *Wege mystischer Gotteserfahrung / Mystical Approaches to God*, ed. Peter Schäfer, München 2006, pp. 97–112. Cf. also Vahid J. Brown, “Andalusī Mysticism: A Recontextualization,” *Journal of Islamic Philosophy* 2 (2006), pp. 69–101; Rafael Ramón Guerrero and Pilar Garrido Clemente, “Ibn Masarra al-Qurṭubī, Abū ʿAbd Allāh,” *Biblioteca de al-Andalus: De Ibn al-Labbāna a Ibn al-Ruyūlī*, ed. Jorge Lirola Delgado, Almería 2006, pp. 144–154 # 788; Sharaf al-Dīn Khurāsānī, “Ibn Masarra,” *Dāʾirat al-maʿārif-i buzurg-i islāmī*, vol. 4, pp. 611–613.

²⁶ Ibn Ḥazm, *Risāla fi faḍl al-Andalus*, in *Rasāʾil Ibn Ḥazm al-Andalusī*, ed. Iḥsān ʿAbbās, vol. 2, p. 186 § 18. On him see ʿAbd Allāh b. Muḥammad Ibn al-Faraḍī, *Tārīkh al-ʿulamāʾ wa-l-ruwāḥ li-l-ʿilm bi-l-Andalus* 1–2, Tunis 1429/2008, vol. 1, pp. 199–200 # 417; Fierro, *Heterodoxia*, pp. 91ff; cf., van Ess’ more cautious comment in *Theologie und Gesellschaft*, vol. 4, pp. 272 n. 5, 299. Van Ess suggests the reading ʿAmr b. ʿUbayd for ʿAmr b. Fāʾid.—For ʿAmr b. ʿUbayd’s transmission of al-Ḥasan’s *tafsīr*, see also *ibid.*, vol. 5, p. 165f.

²⁷ Ibn Ḥazm, *Risāla fi faḍl al-Andalus*, vol. 2, p. 186 § 18. On him see Ibn al-Faraḍī, *Tārīkh al-ʿulamāʾ*, vol. 2, p. 234f. # 1578. Cf. also Saʿūd b. Ṣāliḥ al-Sarḥān, *Arbāb al-kalām: Ibn Ḥazm yujādilu l-Muʿtazila*, Beirut 1431/2010, p. 93; Ṣālim Yafūt, *Ibn Ḥazm wa-l-fikr al-falsafī bi-l-Maghrib wa-l-Andalus*, Casablanca 1986, p. 256.

²⁸ Ibn Ḥazm, *Risāla fi faḍl al-Andalus*, vol. 2, p. 186 § 18; *idem*, *Naqt al-ʿarūs*, in *Rasāʾil Ibn Ḥazm*, vol. 2, p. 115.

²⁹ Ibn Ḥazm, *Naqt al-ʿarūs*, vol. 2, p. 115.

³⁰ Ibn Ḥazm, *Risāla fi faḍl al-Andalus*, vol. 2, p. 186 § 18; *idem*, *Naqt al-ʿarūs*, vol. 2, p. 115.

³¹ On the two brothers, see Fierro, *Heterodoxia*, p. 112; van Ess, *Theologie und Gesellschaft*, vol. 4, p. 274.

- Aḥmad b. Ḥudayr's son, Sa'īd b. *al-wazīr* Aḥmad;³²
- Aḥmad and Mūsā b. Ḥudayr's paternal cousin, Aḥmad b. Mūsā;³³
- Abū l-Ḥakam Mundhir b. Sa'īd b. 'Abd Allāh b. 'Abd al-Raḥmān al-Ballūṭī (b. 273/886–7, d. 355/966), a Ḍāhirī scholar from Cordoba whom Ibn Ḥazm associates with Mu'tazilism;³⁴
- Abū l-ʿAṣī Ḥakam b. Mundhir b. Sa'īd ("*ra's al-Mu'tazila bi-l-Andalus wa-kabīruhum wa-ustādhuhum wa-mutakallimuhum wa-nāsikuhum*"), a son of Abū l-Ḥakam Mundhir al-Ballūṭī who died in 420/1029 in Medinaceli;³⁵
- Abū Marwān 'Abd al-Malik b. Mundhir (b. 328/939–40, d. 368/978–9), another son of Abū l-Ḥakam Mundhir al-Ballūṭī.³⁶

With the exception of Ibn Masarra and Mundhir b. Sa'īd al-Ballūṭī, both of whom were definitely not Mu'tazilites, we do not possess any of the writings of any of them³⁷ and it is impossible to verify their doctrinal affiliations on the basis of the scattered remarks given by Ibn Ḥazm and

³² Ibn Ḥazm, *Naqt al-'arūs*, vol. 2, p. 115.

³³ Ibn Ḥazm, *Naqt al-'arūs*, vol. 2, p. 115.

³⁴ Ibn Ḥazm, *Ṭawq al-ḥamāma*, in *Rasā'il Ibn Ḥazm*, vol. 1, p. 157; idem, *al-Fiṣal*, vol. 4, p. 138 / vol. 2, p. 390. On Mundhir b. Sa'īd al-Ballūṭī, see Ibn al-Faraḍī, *Tārīkh al-'ulamā'*, vol. 2, p. 181f. # 1452; Fierro, *Heterodoxia*, pp. 140ff; Helena de Felipe, *Identidad y onomástica de los Beréberes de al-Andalus*, Madrid 1997, pp. 200ff; van Ess, *Theologie und Gesellschaft*, vol. 4, p. 275; idem, *Der Eine und das Andere*, p. 844 n. 67 (with further references); cf. also Tawfiq al-Ghalibzūrī, *al-Madrasa al-ḏāhirīyya bi-l-Maghrib wa-l-Andalus: Nash'atuhā, a'lāmuḥā wa-atharuhā*, PhD dissertation, Jāmi'at al-Qarawiyyīn, Tetouan, 2000 [publ. Riyad 2006], pp. 154–173.

³⁵ Ibn Ḥazm, *Ṭawq al-ḥamāma*, vol. 1, p. 157; idem, *al-Fiṣal*, vol. 4, p. 138 / vol. 2, p. 390. Ibn Ḥazm remarks that Ḥakam was still alive while he was writing *Ṭawq al-ḥamāma*. On Ḥakam, see Fierro, *Heterodoxia*, p. 155f.; van Ess, *Theologie und Gesellschaft*, vol. 4, p. 275.

³⁶ Ibn Ḥazm, *Ṭawq al-ḥamāma*, vol. 1, p. 157. On 'Abd al-Malik, see Fierro, *Heterodoxia*, p. 166f.; van Ess, *Theologie und Gesellschaft*, vol. 4, p. 275.—On the two brothers, see also Dominique Urvoey, *Le monde des ulémas andalous du v/xi^e au vii/xiii^e siècle. Etude sociologique*, Geneva 1978, p. 105.

³⁷ For Ibn Masarra and his writings, see the references given above in n. 25. Editions of some of his works are included in Muḥammad Kamāl Ja'far, *Min qaḍāyā al-fikr al-islāmī: Dirāsa wa-nuṣūṣ*, Cairo 1978; cf. also Emilio Tornero, "Noticia sobre la publicación de obras inéditas de Ibn Masarra," *Al-Qanṭara* 14 (1993), pp. 47–64; Joseph Kenny, "Ibn Masarra: His *Risālat al-i'tibār*," *Orita: Ibadan Journal of Religious Studies* 34 (2002), pp. 1–26; Pilar Garrido, "Edición crítica de la *Risālat al-i'tibār* de Ibn Masarra de Córdoba," *Miscelánea de Estudios Árabes y Hebraicos* 56 (2007), pp. 81–104; eadem, "Traducción anotada de la *Risālat al-i'tibār* de Ibn Masarra de Córdoba," *Estudios humanísticos: Filología* 30 (2008), pp. 139–163.—Editions of two of al-Ballūṭī's epistles are included in 'Abd al-Raḥmān b. Muḥammad al-Hibāwī al-Sijilmāsi, *Qāḍī al-Andalus al-mulham wa-khaṭībuhā al-mufawwa: al-Imām Mundhir b. Sa'īd al-Ballūṭī al-mutawaffā sanat 355 H, ma'a taḥqīq risālatayn makhṭūṭatayn min turāthihi*, Beirut 1423/2002. On this publication, see the review by Mari-bel Fierro in *al-Qanṭara* 25 (2004), p. 288f.

in the biographical literature. In more general terms, it remains unclear what Mu'tazilism stands for at all in the Andalusī context.³⁸ Contrary to what has been suggested,³⁹ Ibn Ḥazm's references to "Mu'tazilites" in al-Andalus during and prior to his lifetime should therefore be treated with great caution.⁴⁰

Other than was the case with Mu'tazilism, Ibn Ḥazm experienced Ash'arism as a vibrant living movement. He had a number of primary Ash'arite sources at his disposal which he often names explicitly. In addition to this, Ibn Ḥazm refers to information on Ash'arite doctrinal views that he had learned of through various interlocutors and opponents in

³⁸ Cf. the critical assessments by Fierro, *Heterodoxia*, pp. 111–113, 140–142, 155f., 166–168; van Ess, *Theologie und Gesellschaft*, vol. 4, pp. 272–276.

³⁹ See, e.g. al-Sarḥān, *Arbāb al-kalām*, pp. 92ff.; al-Ghalbzūrī, *al-Madrasa al-zāhiriyya*, pp. 156ff; cf. also Yafūt, *Ibn Ḥazm wa-l-fikr al-falsafī*, pp. 255–257 who is slightly more cautious in his conclusions.

⁴⁰ That *kalām* in general played a rather insignificant role in the intellectual life of al-Andalus during the time of Ibn Ḥazm has been shown by Urvoy in his *Le monde des ulémas andalous du v/xi^e au vii/xiii^e siècle*, *passim*. Note in this context also the virtual absence of Hanafism in al-Andalus during Ibn Ḥazm's lifetime whereas in the Islamic East Mu'tazilism and Hanafism were closely connected during this period. See the editors' introduction to *Legal Methodology in 6th/12th century Khwārazm*; Wilferd Madelung, "The Westwards Migration of Hanafī Scholars From Central Asia in the 11th to 13th Centuries," *Ankara Üniversitesi İlahiyat Fakültesi Dergisi* 43 ii (2002), p. 42f.—In contrast to Ibn Ḥazm, his contemporary and compatriot Abū Bakr Ibn al-'Arabī (d. 543/1148) who had spent several years (485–493 AH) in the Islamic East, had a much more up-to-date knowledge of Mu'tazilism than Ibn Ḥazm. In his *al-'Awāṣim min al-qawāṣim fi taḥqīq mawāqif al-ṣaḥāba ba'da wafāt al-nabī* Ibn al-'Arabī mentions, among others, 'Abd al-Jabbār al-Hamadḥānī whose *Tafsīr* ("al-Muḥiṭ") he says he studied (ed. 'Ammār Ṭālibī, Cairo 1417/1997, p. 72). This is also mentioned by him in his *Mukhtaṣar tartīb al-riḥla li-l-targhib fi l-milla*, an edition of which is included in A'rāb, *Ma'a l-Qāḍī Abī Bakr*, the relevant statement being found on p. 226. 'Abd al-Jabbār's *Tafsīr* (known under the titles *al-Muḥiṭ*, *al-Tafsīr al-Muḥiṭ*, *al-Tafsīr al-kabīr*, *al-Muḥiṭ fi tafsīr al-Qur'ān*) is only preserved in quotations of later authors. These have been assembled in *Tafsīr al-qāḍī 'Abd al-Jabbār al-Mu'tazilī wa-huwa l-tafsīr al-musammā al-Tafsīr al-kabīr aw al-Muḥiṭ, wa-yalihi Farā'id al-Qur'ān wa-adillatuh*, ed. Khidr Muḥammad Nabḥā, Beirut 2009. Cf. Gregor Schwarb, *Handbook of Mu'tazilite Authors and Works* [forthcoming].—Moreover, when in Jerusalem (in 485/1092), Ibn al-'Arabī met and discussed doctrinal issues with a representative of the renowned Jewish Tustarī family (p. 207f.), who were deeply immersed in Mu'tazilism, possibly Abū l-Faḍl Sahl (Yashar) al-Tustarī (fl. ca. 1050 CE) or, perhaps less likely as he is known to have converted to Islam in 1064, his son Ḥasan (Japheth). See also Joseph Drory, *Ibn al-'Arabī of Seville. Journey to Eretz Israel (1092–1095)* [Hebrew], Ramat Gan 1993, pp. 59, 96, 140. On the family, see Marina Rustow, "Tustarī Family," *Encyclopedia of Jews in the Islamic World* [http://referenceworks.brillonline.com/entries/encyclopedia-of-jews-in-the-islamic-world/tustari-family-SIM_0018910]. Specifically on Abū l-Faḍl Sahl al-Tustarī, see Marzena Zawadowska, "Sahl ibn Faḍl al-Tustarī," *Encyclopedia of Jews in the Islamic World* [http://referenceworks.brillonline.com/entries/encyclopedia-of-jews-in-the-islamic-world/sahl-ibn-fadl-al-tustari-SIM_0021740]. For Sahl al-Tustarī's Mu'tazilism, see also Wilferd Madelung and Sabine Schmidtke, *Rational Theology in Interfaith Communication. Abu l-Ḥusayn al-Baṣrī's Mu'tazilī Theology among the Karaites in the Fāṭimid Age*, Leiden 2006.

disputations.⁴¹ Moreover, the numerous Ash'arite counter-attacks against Ibn Ḥazm's critique of Ash'arism both during his lifetime and in subsequent centuries confirm the strong Ash'arite presence in al-Andalus and North Africa during these periods. Among these, mention should be made of Abū l-Walīd Sulaymān b. Khalaf al-Bājī (b. 403/1012, d. 474/1081), with whom Ibn Ḥazm had held numerous disputations mostly on issues of legal methodology but also on doctrinal questions,⁴² Abū Bakr 'Abd Allāh b. Ṭalḥa al-Jāburī (d. 523/1124–5) in his *al-Radd 'alā Ibn Ḥazm* (lost),⁴³ the Andalusian Abū Bakr Ibn al-'Arabī (d. 543/1148) (who in contrast to Ibn Ḥazm had spent several years (485/1092–493/1101) in the Islamic East) in his *al-'Awāšim min al-qawāšim fī taḥqīq mawāqif al-ṣaḥāba ba'da wafāt al-nabī*,⁴⁴ and in his lost refutation of Ibn Ḥazm's *Kitāb al-Durra fīmā yajib i'tiqāduhu*, *al-Ghurra fī naqḍ al-Durra*,⁴⁵ Aḥmad b. Yūsuf al-Lablī (d. 691/1292) in his *Fihrist* and in his lost *Risāla Fī l-radd 'alā Ibn Ḥazm*⁴⁶ or Ṭāj al-Dīn al-Subkī (d. 769/1368) in his *Ṭabaqāt al-shāfi'īyya*.⁴⁷

⁴¹ Most of the passages in the *Fiṣal* in which Ibn Ḥazm discusses Ash'arite notions are quoted in 'Abd al-Raḥmān al-Dimashqīyya, *Mawqif Ibn Ḥazm min al-madhhab al-Ash'arī ka-mā fī kitābihi al-Faṣl fī l-mīlāl wa-l-niḥāl, wa-ma'ahu muqaddima 'ilmiyya ḥawla mawqif 'ulamā' ākharīn min al-madhhab al-Ash'arī: Abū Naṣr al-Sijzī, Abū l-Faraj Ibn al-Jawzī...*, Riyadh 1997, as a rule without further comment or annotation. Doctrinal issues were doubtlessly a frequent topic in the course of the numerous disputations Ibn Ḥazm held with his Mālikī opponents many of whom must have been Ash'arites in theology.

⁴² Cf. Luciano Rubio, "II. Los Aś'aries, teólogos especulativos, Mutakāllimes, del Islām [sic], considerados generalmente como los teólogos ortodoxos. Su doctrina de la causalidad," *La Ciudad de Dios* (1977), p. 540. See also Abdel Magid Turki, *Polémiques entre Ibn Ḥazm et Bāḡī sur les principes de la loi musulmane: Essai sur le littéralisme zahirite et la finalité malikite*, Algiers 1973; Maribel Fierro, "Al-Bāḡī, Abū l-Walīd," *Enciclopedia de al-Andalus [Diccionario de Autores y obras Andalusies]*, eds. J. Lirola Delgado and J.M. Puerta Vilchez, Granada n.d., vol. 1, pp. 118–123. Cf. also below, n. 69.

⁴³ For this treatise and other works of this Ash'arite author, see Samir Kaddouri, "Ibn Ṭalḥa al-Yāburī," *Biblioteca de al-Andalus: De Ibn Sa'āda a Ibn Wuhayb*, ed. Jorge Lirola Delgado, Almería 2007, pp. 475–476 # 1245.

⁴⁴ Ibn al-'Arabī, *al-Naṣṣ al-kāmil li-Kitāb al-'Awāšim min al-qawāšim*, pp. 248ff.

⁴⁵ Mentioned in his *al-'Awāšim min al-qawāšim*, p. 250. On this lost refutation, see also José Miguel Puerta Vilchez, "Ibn Ḥazm, Abū Muḥammad," *Biblioteca de al-Andalus: De Ibn al-Dabbāg a Ibn Kurz*, eds. Jorge Lirola Delgado and José Miguel Puerta Vilchez, Almería 2004, p. 409 # 24.—On Ibn al-'Arabī's doctrinal views, see also 'Ammār Ṭalībī, *Arā' Abī Bakr ibn al-'Arabī al-kalāmīyya*, Algiers [1974]; Sa'd A'rāb, *Ma'a l-Qāḍī Abī Bakr Ibn al-'Arabī*, Beirut 1987.

⁴⁶ Cf. *Fihrist al-Lablī*, eds. Yāsīn Yūsuf 'Ayyāsh and 'Awwād 'Abd Rabbih Abū Zayna, Beirut 1988, pp. 82ff. Generally on al-Lablī and his writings, see A. García Sanjuán, "al-Lablī, Aḥmad," *Biblioteca de al-Andalus: De Ibn al-Yabbāb a Nubḍat al-'aṣr*, ed. Jorge Lirola Delgado, Almería 2009, pp. 40–63 # 1501.—Al-Lablī's *nisba* indicates that he hailed from Ibn Ḥazm's ancestral region of Niebla.

⁴⁷ Ṭāj al-Dīn al-Subkī, *Ṭabaqāt al-shāfi'īyya al-kubrā* 1–5, eds. 'Abd al-Fattāḥ al-Ḥilw and Maḥmūd Muḥammad al-Ṭanāḥī, Aleppo 1385/1966, vol. 1, p. 90f.; vol. 4, pp. 131–133.—By contrast, no Mu'tazilī reaction to Ibn Ḥazm's polemics is known to have been written

Among the Ash'arite books that were at Ibn Ḥazm's disposal, the "*Kitāb al-Simnānī*" stands out as his most significant source, as is indicated by the numerous quotations from and references to this work throughout the *Fiṣal*.⁴⁸ Ibn Ḥazm gleaned from this book most of his information on the doctrinal positions of the school and specifically on those of two major Ash'arite thinkers, Abū Bakr Muḥammad b. al-Ṭayyib al-Bāqillānī (d. 403/1013), with whom al-Simnānī had studied, and Abū Bakr Muḥammad b. al-Ḥasan b. Fūrak al-Iṣfahānī (d. 406/1020). The identity of the "*Kitāb al-Simnānī*" cannot be determined at present. The only extant work by Abū Ja'far Muḥammad b. Aḥmad al-Simnānī (b. 361/971–2 in Simnān, d. 444/1052 in Mawṣil) is a theological *summa* preserved in an apparently unique manuscript owned by the Madrasa 'Uthmāniyya in Aleppo that is entitled *Kitāb al-Bayān 'an uṣūl al-īmān wa-l-kashf 'an tamwihāt ahl al-ṭughyān*.⁴⁹ Daniel Gimaret, who studied the manuscript, states that none of Ibn Ḥazm's quotations from the "*Kitāb al-Simnānī*" match this work.⁵⁰ The "*Kitāb al-Simnānī*" was evidently a comprehensive work. At one occasion Ibn Ḥazm describes it as "*kitābuhu al-kabūr*," assuming that he had only one work by al-Simnānī at his disposal. Here, Ibn Ḥazm also refers to a *Kitāb al-Imāma* by al-Simnānī and his wording indicates that a section within al-Simnānī's book is intended rather than an independent work.⁵¹

Ibn Ḥazm also consulted directly some of the writings of al-Bāqillānī, which need not surprise us as it is well known that al-Bāqillānī's works circulated widely in North Africa and al-Andalus where he, being a Mālikī, was popular.⁵² On numerous occasions Ibn Ḥazm refers to and/or quotes

and it is unlikely that the Mu'tazilis of his time (and beyond) had any knowledge of his criticism of their forefathers. He is not mentioned, for example, in Ibn Abī l-Ḥadīd's (d. 656/1258) *Sharḥ Nahj al-balāgha*.

⁴⁸ See below, Appendix: Ibn Ḥazm quoting from the "*Kitāb al-Simnānī*."

⁴⁹ MS al-Maktaba al-'uthmāniyya 557, ff. 3b–145a. The manuscript is nowadays part of the Asad National Library in Damascus; cf. Geoffrey Roper (ed.), *World Survey of Islamic Manuscripts* 1–4, London 1992–94, vol. 3, p. 192.

⁵⁰ Daniel Gimaret, "al-Simnānī, Abū Dja'far Muḥammad," *The Encyclopaedia of Islam*. New Edition, vol. 9, p. 614.—A microfilm of the Aleppo manuscript is part of the Fonds Gimaret [CNRS, Institut de recherche et d'histoire des textes, Section arabe, Paris] under the shelfmark Roo729.

⁵¹ See below, Appendix: Ibn Ḥazm quoting from the "*Kitāb al-Simnānī*," Quote XIV.

⁵² One volume of al-Bāqillānī's *opus magnum*, *Hidāyat al-mustarshidin*, is preserved today in Fez as MS Qarawiyyin 692. On the manuscript, see Muḥammad al-Ābid al-Fāsī, *Fihris makhtūṭāt Khizānat al-Qarawiyyin* 1–4, Casablanca 1979–89, vol. 2, p. 284f.; cf. also Fuat Sezgin, *Geschichte des arabischen Schrifttums*, Leiden 1967–, vol. 1, p. 609 # 7; Daniel Gimaret, "Un extrait de la *Hidāya* d'Abū Bakr al-Bāqillānī: Le *Kitāb at-tawallud*,

from al-Bāqillānī's *Kitāb al-Intiṣār fi l-Qur'ān*, and at times he even names the exact location in the book from which he is quoting.⁵³ To the extent that the corresponding parts of the *Intiṣār* are preserved, Ibn Ḥazm's quotations are found to agree with the original work and there is no reason to doubt that Ibn Ḥazm had gleaned them directly from al-Bāqillānī's *Intiṣār*.⁵⁴ In addition, Ibn Ḥazm refers on one occasion to al-Bāqillānī's

réfutation de la thèse mu'tazilite de la génération des actes," *Bulletin d'études orientales* 58 (2009), pp. 259–313.—A copy of al-Bāqillānī's *Ijāz al-Qur'ān* is preserved in the Khizāna al-Ḥusayniyya in Rabāt; cf. Khālid Zahri and 'Abd al-Majid Būkārī, *Fihris al-kutub al-makhṣūsa fi l-'aqida al-ash'ariyya* 1–2, Rabat 1432/2011, vol. 1, p. 80f # 3900.—A copy of al-Bāqillānī's *Kitāb al-Tamhid* is known to have been transcribed (in Sha'bān 472/1080) for the library of the *ṭā'ifa* king al-Mutawakkil 'alā Llāh Ibn al-Aftas of Badajoz (r. 461/1068–9–487/1094 or 488/1095). The manuscript belongs nowadays to the Bibliothèque nationale in Paris (MS Arabe 6090). For a description of the manuscript, see Richard McCarthy's introduction (Arabic) to his edition of al-Bāqillānī's *Kitāb al-Tamhid*, Beirut 1957, p. 26f.—The *Kitāb al-Tamhid* is mentioned among the Ash'arite works 'Abd al-Ḥaqq Ibn 'Aṭiyya (b. 481/1088, d. 541/1147) was familiar with; see *Fahras Ibn 'Aṭiyya*, li-l-Imām al-Qāḍī Abi Muḥammad 'Abd al-Ḥaqq b. 'Aṭiyya al-Muḥārribi al-Andalusī, eds. Muḥammad Abū l-Ajḡān and Muḥammad al-Zāhī, Beirut 21983, pp. 62, 76, 95. Al-Rāḍī b. al-Mu'tamid, the son of the last 'Abbādid caliph al-Mu'tamid b. 'Abbād (d. 488/1095), is also reported to have studied the works of al-Bāqillānī; cf. Camilla Adang, "The Spread of Zāhirism in post-caliphal al-Andalus: The Evidence from the Biographical Dictionaries," *Ideas, Images, and Methods of Portrayal. Insights into Classical Arabic Literature and Islam*, ed. Sebastian Günther, Leiden 2005, p. 312. This is also the case with Abū 'Alī al-Ḥusayn b. Muḥammad al-Ṣadafī ("Ibn Sukarra," d. 514/1120); see Muḥammad b. 'Abd Allāh b. Abi Bakr al-Qudā'ī Ibn al-Abbār, *al-Mu'jam fi aṣṣḥāb al-Qāḍī al-Imām Abi 'Alī al-Ṣadafī*, Cairo 1967, p. 24. Generally on the reception of al-Bāqillānī's *Tamhid* in al-Andalus, see José María Fórneas Besteiro, "al-Tamhid de al-Bāqillānī y su transmisión en al-Andalus," *Miscelánea de Estudios Arabes y Hebraicos* 26–28 (1977–79), pp. 433–440.—For a copy of al-Bāqillānī's *al-Intiṣār li-l-Qur'ān* in Maghribī hand, see below n. 54.

⁵³ *Al-Fiṣal*, vol. 5, pp. 87: 14–18 / vol. 3, p. 156 (*wa-qāla al-Bāqillānī fi ākhir al-sifr al-rābi' min kitābihi al-ma'rūf bi-l-Intiṣār fi l-Qur'ān... ḥādḥa naṣṣ kalāmihi*), vol. 5, p. 90: 9–12 / vol. 3, p. 159 (*wa-qāla al-Bāqillānī fi kitābihi al-ma'rūf bi-l-Intiṣār fi l-Qur'ān...*), vol. 5, p. 91: 17–19 / vol. 3, p. 160 (*wa-min shuna'ihim qawl ḥādḥa l-Bāqillānī fi kitābihi al-ma'rūf bi-l-Intiṣār fi l-Qur'ān...*), vol. 5, pp. 92: 17–93: 16 / vol. 3, p. 161f. (*wa-qāla al-Bāqillānī fi kitābihi al-ma'rūf bi-l-Intiṣār fi l-Qur'ān fi bāb mutarjam bāb al-dalāla 'alā anna l-Qur'ān mu'jiza li-l-nabī ṣallā Allāh 'alayhi a-sallam wa-dhakara... fa-qāla al-Bāqillānī... qāla al-Bāqillānī... wa-min a'ḡam al-barāhīn 'alā kufr al-Bāqillānī wa-kaydihi li-l-dīn qawluhu fi faṣl ākhar min al-bāb al-madhkūr fi l-kitāb al-madhkūr innahu...*).

⁵⁴ A facsimile of Ms. Karamustafa 6 (Süleymaniye library, Istanbul), which was long believed to be the only extant copy of the text and contains Volume One only, has been published as *al-Intiṣār li-l-Qur'ān*, [ed. Fuat Sezgin], Frankfurt/Main, 1986—. All available editions are based on this manuscript; viz. ed. Muḥammad 'Isām al-Qudāh, 2 vols., Ammān/Beirut 2001 (originally presented as the author's doctoral thesis to the Kulliyat al-Dirāsāt al-'Ulyā wa-l-Baḥṡ al-'Ilmī, Jāmi'at al-Qur'ān al-Karīm wa-l-'Ulūm al-Islāmiyya, Umm Durmān, al-Sūdān); ed. 'Umar Ḥasan al-Qayyām, 2 vols., Beirut 2004.—An undated, more complete copy of the text (though incomplete in the end) in Maghribī hand is preserved in the Khizāna al-Ḥusayniyya (Bibliothèque al-Hassania) in Rabāt; cf. Zahri / Būkārī, *Fihris al-kutub al-makhṣūsa fi l-'aqida al-ash'ariyya*, vol. 1, p. 119f # 11206. The manuscript can be

lost refutation of the Qarāmiṭa, *Madhāhib al-Qarāmiṭa*, quoting from a chapter towards the end of the work entitled *dhikr jumal maqālāt al-dahriyya wa-l-falāsifa wa-l-thanawiyya*, as he specifically states. The work is possibly identical with al-Bāqillānī's (lost) *Kashf al-asrār fi l-radd 'alā l-Bāṭiniyya*.⁵⁵ On one occasion Ibn Ḥazm refers to al-Bāqillānī's "*al-Risāla al-ma'rūfa bi-l-Ḥurra*."⁵⁶ The treatise, better known under the title *Kitāb al-Inṣāf fīmā yajib u i'tiqāduhu wa-lā yajūzu al-jahl bihi*, is a popular brief theological tract which has been printed repeatedly.⁵⁷ Since the reference is immediately followed by another one to al-Simnānī, it is uncertain whether Ibn Ḥazm had consulted the *Risāla al-Ḥurra* directly or whether he had used the "*Kitāb al-Simnānī*" as an intermediary source.⁵⁸ Ibn Ḥazm also refers once or twice to a *Kitāb al-Uṣūl* by Ibn Fūrak, a title that is not attested elsewhere. The wording suggests that he is referring to it through a secondary source, most like again the "*Kitāb al-Simnānī*."⁵⁹

Ibn Ḥazm occasionally refers to some works by the school's founder, Abū l-Ḥasan al-Ash'arī (d. 324/936), yet it is unlikely that he had any of

downloaded at <http://wadod.org/vb/showthread.php?t=4299> [accessed 24/06/2012].—Ibn Ḥazm's use of al-Bāqillānī's *al-Intiṣār* had first been noticed by Tor Andrae (*Die person Muhammads in lehre und glauben seiner gemeinde*, Stockholm 1918, pp. 98ff); see also van Ess, *Der Eine und das Andere*, vol. 2, p. 844.

⁵⁵ *Al-Fiṣal*, vol. 5, p. 92: 2–10 / vol. 3, p. 160f. (*qawl al-Bāqillānī fi kitābihi fi l-madhāhib al-Qarāmiṭa*...). On this work and the different opinions among scholars as to whether the two titles refer to the same work or not, see Bassām 'Abd al-Ḥamid, "Muḥāwala biblūghrafiyya fi āthār al-Bāqillānī," *al-Mashriq* 67 (1993), p. 485f. # 30.

⁵⁶ See below, Appendix: Ibn Ḥazm quoting from the "*Kitāb al-Simnānī*," Quote X.

⁵⁷ Cf. 'Abd al-Ḥamid, "Muḥāwala biblūghrafiyya," p. 475f. # 6 (with further references).

⁵⁸ The treatise is also mentioned in Ibn Khayr's (d. 575/1180) *Fahrassa*; see Juan Manuel Vizcaino Plaza, *La Fahrassa de Ibn Jayr* (m. 575/1180), Madrid 2002, p. 132.

⁵⁹ See below, Appendix: Ibn Ḥazm quoting from the "*Kitāb al-Simnānī*," Quotes I and VII. The text differs in Quote I in the two editions of the *Fiṣal* and according to the reading offered in the edition of Naṣr and 'Umayra, Ibn Ḥazm is not referring to a specific book title.—The identity of Ibn Fūrak's *Kitāb al-Uṣūl* is unclear. It might perhaps refer to his dogmatic work that is known as *Kitāb Awā'il al-adilla fi uṣūl al-kalām* that is preserved in a private library in Morocco. Cf. the editor's introduction to his *al-Ḥudūd fi l-uṣūl*, ed. Muḥammad Sulaymānī, Beirut 1999, p. 24f. # 5. Among his other known works are *Mushkil al-ḥadīth wa-bayānuhu* (that circulated also under the titles of *Mushkil al-ḥadīth aw Ta'wīl al-akhbār al-mutashābiḥa*; *Ta'wīl al-aḥādīth allatī tufidu al-tashbīh*) that has been published repeatedly (Hyderabad 1362/1943; ed. Daniel Gimaret, Damascus 2003; extracts with German translation in Raimund Köbert, *Analecta Orientalia* 22 (Rome 1941); cf. also Roger Arnaldez, *Grammaire et théologie chez Ibn Hazm de Cordoue*, Paris 1956, pp. 30f.); *Risāla fi l-tawḥīd* (cf. the editor's introduction to *al-Ḥudūd fi l-uṣūl*, p. 23 # 4); *Kitāb Sharḥ al-'ālim wa-l-muta'allim li-Abi Ḥanīfa* (cf. *ibid.*, p. 27f. # 7); *al-Ibāna 'an ṭuruq al-qāṣidīn wa-l-kashf 'an manāḥij al-sālikīn wa-l-tawaffur ilā 'ibādat rabb al-'ālamīn* (cf. *ibid.*, pp. 28–30 # 8); *Tafsīr al-Qur'ān al-karīm* (cf. *ibid.* pp. 25–27 # 6); the *Mujarrad maqālāt al-Shaykh Abi l-Ḥasan 'Alī Ismā'il al-Ash'arī* (ed. Daniel Gimaret, Beirut 1987); and *al-Ḥudūd fi l-uṣūl* (see above).

them at his disposal: the *Kitāb al-Mūjiz*⁶⁰ and *kitābuhu al-ma'rūf bi-l-Majālis*.⁶¹ While the first is known to have been one of the major works by al-Ash'arī,⁶² the second reference is less clear. No other source confirms this title and Daniel Gimaret in his *Réexamen* of al-Ash'arī's bibliography cautiously suggests that the *Majālis* may be identical with al-Ash'arī's *al-Masā'il al-manthūra* containing his reports of discussion circles (*majālis*) that he had held in Baghdad with some Mu'tazilī scholars.⁶³ Neither of the two works is extant so that Ibn Ḥazm's references cannot be verified. Among al-Ash'arī's students Ibn Ḥazm only refers to Abū 'Abd Allāh Ibn Mujāhid (d. 370/980–1), the teacher of both al-Bāqillānī and Ibn Fūrak, without specifying his source.⁶⁴

Although Ibn Ḥazm had clearly read Ash'arite primary literature, in contrast to his apparently exclusively heresiographical knowledge about Mu'tazilism, his textual basis was nonetheless narrow. The "*Kitāb al-Simnānī*" may very well have been the only Ash'arite theological *summa* at his disposal. Ibn Ḥazm was evidently unfamiliar with the comprehensive theological works of both Ibn Fūrak⁶⁵ and al-Bāqillānī, such as the latter's *Kitāb al-Tamhīd* or his *opus magnum Hidāyat al-mustarshidīn*, although at least the *Tamhīd* was available in al-Andalus during the time of his writing.⁶⁶ Moreover, Ibn Ḥazm was clearly unaware of the writings of other Eastern Ash'arite luminaries such as Abū Ishāq Ibrāhīm b. Muḥammad al-Isfarā'īnī (d. 411/1020) or the latter's student Abū Manṣūr 'Abd al-Qāhir al-Baghdādī.⁶⁷ It should also be noted that Ibn Ḥazm did not know his younger contemporary Abū l-Ma'ālī al-Juwaynī ("Imām al-Ḥaramayn," b. 419/1028, d. 478/1085) whose writings seem to have reached al-Andalus

⁶⁰ *Al-Fiṣal*, vol. 2, p. 322 / vol. 1, p. 408 (*wa-ra'aytu li-l-Ash'arī fī kitābihi al-ma'rūf bi-l-Mūjiz...*).

⁶¹ *Al-Fiṣal*, vol. 5, p. 76 / vol. 3, p. 145 (*wa-qad ṣaraḥa al-Ash'arī fī kitābihi al-ma'rūf bi-l-Majālis...*).

⁶² Gimaret, "Bibliographie d'Ash'arī: un réexamen," *Journal Asiatique* 273 (1985), pp. 229–231 # 2.

⁶³ Gimaret, "Réexamen," p. 277 # 102 referring to p. 251 # 40.

⁶⁴ *Al-Fiṣal*, vol. 4, p. 6 / vol. 2, p. 285; vol. 5, p. 94 / vol. 3, p. 163.

⁶⁵ For his theological works see above n. 59. There is no positive evidence that any of those works ever reached al-Andalus.

⁶⁶ Cf. Fórneas Besteiro, "al-Tamhīd de al-Bāqillānī."

⁶⁷ Again, there is so far no positive evidence that any of their works ever reached al-Andalus.—For Abū Ishāq al-Isfarā'īnī, see Richard M. Frank, "Al-Ustādh Abū Ishāq: An 'aqida Together with Selected Fragments," *Mélanges de l'Institut dominicain d'études orientales du Caire* 19 (1989), pp. 129–202.

too late for Ibn Ḥazm to have read them—the *Kitāb al-Fiṣal* was composed between 418/1027 and 440/1048 and revised up until 450/1058.⁶⁸

Ibn Ḥazm repeatedly refers to interlocutors through whom he had gained additional knowledge about Ash'arite doctrines. Among them Abū l-Walid al-Bājī with whom Ibn Ḥazm had held several disputations stands out as his main informant about Ash'arite doctrine.⁶⁹ Moreover, it was

⁶⁸ For the dating of the composition of the *Kitāb al-Fiṣal*, see Abdelilah Ljamai, *Ibn Ḥazm et la polémique islamo-chrétienne dans l'histoire de l'Islam*, Leiden 2003, pp. 45ff—Al-Juwaynī's *Kitāb al-Irshād* and *al-Talkhīṣ fī uṣūl al-fiqh* are mentioned among the Ash'arite works 'Abd al-Ḥaqq Ibn 'Aṭīyya (b. 481/1088, d. 541/1147) was familiar with; see *Fahras Ibn 'Aṭīyya*, p. 77; cf. also José María Fórneas Besteiro, *Elencos biobibliográficos arábigo andaluces. Estudio especial de la Fahrasa de Ibn 'Aṭīyya al-Garnāṭī (481–541/1088–1147)*. Tesis doctoral. Madrid 1971, p. 48; idem, "De la transmisión de algunas obras de tendencia aṣ'arī en al-Andalus," *Awraq. Revista editada por el Instituto Hispano-Arabe de Cultura* 1 (1978), pp. 4–11. The *Irshād* is also included in the *Fahrasa* of Ibn Khayr (d. 575/1180) (see Vizcaino Plaza, *La Fahrasa de Ibn Jayr*, p. 132), in Abū 'Abd Allāh Muḥammad b. 'Abd al-Malik al-Qīsī al-Mintawrī's (d. 834/1430) *Fahrasa* (ed. Muḥammad Binsharīfa [Mohammed Bencherifa], Rabat 1342/2011, p. 168f. # 176; on this work, cf. al-Kattānī, *Fahras al-fahāris wa-l-athbāt*, vol. 2, p. 564f. # 322), and in Aḥmad al-Manjūr's (d. 994/1586–7) *Fihris*; see *Fihris Aḥmad al-Manjūr*, ed. Muḥammad Ḥajjī, Rabat 1976, p. 37. Both Abū 'Alī al-Ḥusayn b. Muḥammad al-Ṣadafī ("Ibn Sukarra," d. 514/1120) and al-Qāḍī 'Iyād (d. 544/1149) were familiar with Abū 'Abd Allāh Muḥammad b. al-Muslim b. Muḥammad al-Makhzūmī al-Ṣiqillī's commentary on al-Juwaynī's *Irshād*, *al-Mihād fī sharḥ al-Irshād*; see Ibn al-Abbār, *al-Mu'jam fī aṣḥāb al-Qāḍī al-Imām Abī 'Alī al-Ṣadafī*, p. 142; *al-Ghunya: Fihrist shuyūkh al-Qāḍī 'Iyād*, 476–544/1083–1149, ed. Māhir Zuhayr Jarrār, Beirut 1982, p. 88. Yahyā b. 'Abd al-Raḥmān b. Aḥmad b. 'Abd al-Raḥmān b. Rabī' al-Ash'arī ("Ibn Ubayy," b. 563/1167–8, d. 640/1242–3) is said to have been an expert of 'ilm al-kalām and to have debated specifically with al-Juwaynī's *Irshād* and his *Shāmil*; see al-Dhahabī, Muḥammad b. Aḥmad, *al-Mustamlah min Kitāb al-Takmilā*, ed. Bashshār 'Awwād Ma'rūf, Tūnis 2008, p. 411f # 871. Abū l-Abbās Aḥmad b. Khālid of Malaga (d. ca. 660/1262) is reported to have taught the *Kitāb al-Irshād*; cf. Aḥmad b. Aḥmad al-Ghubrīnī, *Umwān al-dirāya fīman 'urifa min al-'ulamā' fī l-mī'a al-sābi'a bi-Bijāya*, ed. 'Adil Nuwayhid, Beirut 1969, p. 73 # 11; al-Ghubrīnī also names Abū Muḥammad 'Abd Allāh al-Sharīf (fl. 7th/13th century) as an expert of this book (ibid., p. 195).—For the reception of al-Juwaynī's *Irshād* and his *Shāmil* in al-Andalus, cf. also Urvoy, *Le monde des ulémas andalous du v/xi^e au vii/xiii^e siècle*, p. 188. A further indication for the popularity of the *Kitāb al-Irshād* in the Maghrib is Ms. British Library OR 9645 (126ff), containing a copy in Maghribī hand of an anonymous commentary on the work that begins with prophecy and is missing in the end; cf. Peter Stocks, *Subject-guide to the Arabic manuscripts in the British Library*, ed. Colin F. Baker, London 2001, p. 97.—For the transmission of Ash'arite works in North Africa, cf. also Abū 'Abd Allāh Muḥammad al-Ṣaghīr al-Fāsī, *al-Mīnāh al-bādiya fī l-asānīd al-'ālīya wa-l-musalsalāt al-zāhiya wa-l-ṭuruq al-hādiya al-kāfiya* 1–2, ed. Muḥammad al-Ṣiqillī al-Ḥusaynī, Morocco 2005, vol. 1, p. 271f; vol. 2, p. 102.

⁶⁹ Cf. *al-Fiṣal*, vol. 1, p. 161: 6–8 / vol. 1, p. 106 (*akhbaranī Sulaymān b. Khalaf al-Bājī wa-huwa min muqaddamihim al-yawm anna Muḥammad b. al-Ḥasan b. Fūrak al-Iṣbahānī 'alā hādhihi l-mas'ala...*); vol. 5, p. 74: 17–19 / vol. 3, p. 143 (*wa-dhakara li Sulaymān b. Khalaf al-Bājī wa-huwa min ru'ūs al-Ash'ariyya anna minhum man yaqūl...*), vol. 5, p. 77: 18–22 / vol. 3, p. 145 (*wa-la-qad ḥawarānī Sulaymān b. Khalaf al-Bājī kabiruhum fī hādhihi l-mas'ala fī majlis ḥāfil fa-qultu lahu...*).

al-Bājī who had brought to al-Andalus some of the writings of al-Simnānī, with whom he had studied during his prolonged stay in the Islamic East.⁷⁰ In addition, Ibn Ḥazm provides other names as informants, viz. the little known 'Alī b. Ḥamza al-Marāwī al-Ṣiqillī al-Ṣūfī (d. after 440/1048–9)⁷¹ and a certain Abū l-Murajjā b. Nadmā al-Miṣrī who informed him in writing about Ash'arite practices in Egypt.⁷² At times he does not specify his oral sources.⁷³ On one occasion, Ibn Ḥazm states that Ash'arism had spread in Qayrawān and al-Andalus adding, perhaps polemically, that it had become rather weak by his time.

Twice in his *Fiṣal* Ibn Ḥazm refers to a comprehensive work (*kitāb kabīr*) of his in which he refuted the views of a certain 'Aṭāf b. Dūtās [Dūnās], an Ash'arite scholar from Qayrawān, entitled *Kitāb al-Yaqīn fī l-naqd 'alā l-mulḥidīn al-muḥtājīn 'an Iblīs al-la'īn wa-sā'ir al-kāfirīn*, which unfortunately is lost.⁷⁴

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⁷⁰ This is stated by Abū Bakr Ibn al-'Arabī in his *Mukhtaṣar tartīb al-riḥla li-l-targhib fī l-milla*, an edition of which is included in A'rāb, *Ma'a l-Qāḍī Abī Bakr*, the relevant statement being found on p. 192.—I thank Maribel Fierro for this reference.

⁷¹ *Al-Fiṣal*, vol. 5, p. 81 / vol. 3, p. 150 (*wa-la-qad akhbaranī 'Alī b. Ḥamza al-Murādī [sic] al-Ṣiqillī al-Ṣūfī annahu rā'a ba'da l-Ash'ariyya...*). On al-Ṣiqillī, cf. María Luisa Ávila and Manuela Marín, "Nómina de sabios de al-Andalus (430–520/1138/1126)," *Estudios onomástico-biográficos de Al-Andalus VII*, eds. Manuela Marín and Helena de Filipe, Madrid 1995, p. 132 # 1173.

⁷² *Al-Fiṣal*, vol. 5, p. 81f. / vol. 3, p. 150 (*wa-kataba ilayya Abū l-Murajjā b. Nadmā al-Miṣrī annā ba'da thiḡāt ahl Miṣr akhbarahu min ṭulāb al-sunan anna rajulan min rajulan min al-Ash'ariyya qāla lahu...*).

⁷³ See, e.g., *al-Fiṣal*, vol. 5, p. 86 / vol. 3, p. 154 (*wa-la-qad akhbaranī thiḡa min aṣḥābī innahu samī'a ba'da muqaddamihim yaqūlu...*); vol. 5, p. 88 / vol. 3, p. 157 (*wa-samī'tu ba'da muqaddamihim yaqūlu...*); vol. 5, p. 91 / vol. 3, p. 159 (*wa-la-qad akhbaranī ba'da man kāna yudākhiluhum wa-kāna lahu fīhi sabab qawī...*).

⁷⁴ *Al-Fiṣal*, vol. 3, p. 246 / vol. 2, p. 226; vol. 5, p. 76 / vol. 3, p. 144. See also José Miguel Puerta Vilchez, "Ibn Ḥazm, Abū Muḥammad," *Biblioteca de al-Andalus. De Ibn al-Dabbāg a Ibn Kurz*, eds. Jorge Lirola Delgado and José Miguel Puerta Vilchez, Almería 2004, p. 441 # 138.

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APPENDIX: IBN ḤAZM QUOTING FROM THE “KITĀB AL-SIMNĀNĪ”⁷⁵I vol. 2, pp. 302: 20–304: 2 / vol. 1, pp. 393–394 [*al-kalām fī l-‘ilm*]

فإذ قد بطل بعون الله تعالى وتأيدته قول من قال: إن علم الله تعالى هو غير الله تعالى وهو مخلوق، فلتكن بعون الله تعالى وتأيدته على قول من قال: إن علم الله تعالى هو غير الله تعالى وخلافه وأنه لم يزل مع الله عز وجل. قال أبو محمد: هذا قول لا يحتاج في رده إلى أكثر من أنه شرك مجرّد وإبطال للتوحيد، لأنه إذا كان مع الله تعالى شيء غيره لم يزل معه فقد بطل أن يكون الله تعالى كان وحده بل قد صار له شريك في أنه لم يزل، وهذا كفر مجرّد ونصرانية محضة مع أنها دعوى ساقطة بلا دليل أصلاً. وما قال بهذا قط أحد من أهل الإسلام قبل هذه الفرقة المحدثّة بعد الثلاثمائة سنة فهو خروج عن الإسلام وترك للإجماع المتيقن، وقد قلت لبعضهم: إذا قلتم: إنه لم يزل مع الله تعالى شيء آخر هو غير الله تعالى وخلافه لم يزل معه فلماذا أنكرتم على النصارى في قولها: إن الله ثالث ثلاثة؟ فقال لي مصرحاً: ما أنكرنا على النصارى إلا اقتصارهم على الثلاثة فقط، ولم يجعلوا معه تعالى أكثر من ذلك. فأمسكت عنه إذ صرح بأن قولهم أدخل في الشرك من قول النصارى. وقولهم هذا ردّ لقول الله عز وجل ﴿قُلْ هُوَ اللَّهُ أَحَدٌ﴾ [الإخلاص: 1]. فلو كان مع الله غير الله لم يكن الله أحد.

قال أبو محمد: وما كنّا نصدّق أن من ينتمى إلى الإسلام يأتي بهذا الكفر لولا أنا شاهدناهم وناظرناهم، ورأينا ذلك صراحاً في كتبهم ككتاب السمناني قاضي الموصل في عصرنا هذا، وهو

⁷⁵ Reference is given to the edition by Muḥammad Ibrāhīm Naṣr and ‘Abd al-Raḥmān ‘Umayra (Beirut 1405/1985) and to the edition by Aḥmad Shams al-Dīn (Beirut 1996). The respective section in which each quotation appears is indicated as well. Alternative readings and additions to the text that are found in the Naṣr/‘Umayra edition are given in square brackets.—I am aware that none of these two editions is a critical one and neither takes into consideration Ibn Ḥazm’s apparently significant revisions of the *Fiṣal*. His later revisions do tend, as it seems, to include more explicit references, as has been shown by Ljamai (*Ibn Ḥazm et la polémique islamo-chrétienne*, pp. 45ff.) on the basis of Ms. Flügel 975 (Vienna). It is hoped that Samir Kaddouri’s current PhD project in the course of which he is investigating all extant manuscripts of Ibn Ḥazm’s *Fiṣal* will provide a clearer picture of the various recensions of the text, with possibly new insights into his use of al-Simnānī’s text and other sources.

من أكابرهم. وفي كتاب المجالس للأشعري وفي كتب لهم آخر. قال أبو محمد: والعجب من هذا كله تصريح الباقلاني وابن فورك [في كتابهما] في الأصول وغيرها أن علم الله تعالى واقع مع علمنا تحت حدّ واحد، وهذه حماقة ممزوجة بكفر إذ جعلوا ما لم يزل محدوداً بمنزلة المحدثات، وكل ما أدخلناه على المنانية والنصارى، ومن يبطل التوحيد فهو داخل على هذه الفرقة حرفاً حرفاً فأغنانا أن نخيل على ذلك عن تكراره، ونعوذ بالله من الخذلان.

II vol. 2, p. 351: 4–12 / vol. 2, p. 6 [*al-kalām fī ṣifāt Allāh*]

وقد رأيت لابن فورك وغيره من الأشعرية في الكلام في هذا الحديث أنهم قالوا في معنى قوله عليه السلام: «إن الله خلق آدم على صورته» إنما هو على صفة الرحمن من الحياة والعلم والاعتدال واجتماع صفات الكمال فيه وأسجد له ملائكته كما أسجدهم لنفسه وجعل له الأمر والنهي على ذريته كما كان لله ذلك. قال أبو محمد: هذا نصّ كلام أبي جعفر السمناني قاضي الموصل الضرير عن شيوخه حرفاً حرفاً، وهذا كفر مجرد لا مزية فيه لأنه سوى بين الله عزّ وجلّ وبين آدم في الحياة والعلم والاعتدال واجتماع صفات الكمال فيهما والله يقول ﴿لَيْسَ كَمِثْلِهِ شَيْءٌ﴾ [الشورى: 11]. ثم لم يقتنعوا بهذا حتى جعلوا سجود الملائكة لآدم كسجودهم لله تعالى، ولا خلاف بين أحد من أهل الإسلام في أن سجدتهم لله تعالى سجد عباد لآدم سجد تحية وإكرام.

III vol. 4, pp. 5–6: 3 / vol. 2, pp. 284–285 [*hal ta'ṣī al-anbiyā' 'alayhim al-ṣalāt wa-l-salām*]

قال أبو محمد: اختلف الناس في هل تعصى الأنبياء عليهم السلام أم لا؟ فذهبت طائفة إلى أن رسل الله صلى الله عليه وسلم يعصون الله عزّ وجلّ في جميع الكبائر والصغائر عمداً حاشا الكذب في التبليغ فقط، وهذا قول الكرامية من المرجئة وقول ابن الطيب الباقلاني من الأشعرية ومن اتبعه، وهو قول اليهود والنصارى. وسمعتُ من يحكى عن بعض الكرامية أنهم يجوزون على الرسل عليهم السلام الكذب في التبليغ أيضاً. وأما هذا الباقلاني فإنا رأينا في كتاب صاحبه أبي جعفر السمناني قاضي الموصل أنه كان يقول: إن كل ذنب دقّ أو جل، فإنه جائز على الرسل حاشا الكذب في التبليغ فقط، قال: وجائز عليهم أن يكفروا، قال: وإذا نهى النبي عليه السلام عن شيء ثم فعله فليس ذلك دليلاً على أن ذلك النهي قد

نسخ، لأنه قد يفعله عاصياً له [له: لله] عزّ وجلّ، قال: وليس لأصحابه أن ينكروا ذلك عليه، وجوّز أن يكون في أمة محمد عليه السلام مَنْ هو أفضل من محمد عليه الصلاة والسلام مذبعه الله إلى أن مات. قال أبو محمد: وهذا كله كفر مجرّد وشرك محض وردة عن الإسلام قاطعة للولاية مبيحة دم من دان بها وماله موجبة للبراءة منه في الدنيا ويوم يقوم الأشهاد. وذهبت طائفةٌ إلى أن الرسل عليهم الصلاة والسلام لا يجوز عليهم كبيرة من الكبائر أصلاً وجوّزوا عليهم الصغائر بالعمد وهو قول ابن فورك الأشعري [وذهب] جميع أهل الإسلام من أهل السنة والمعتزلة والنجارية والخوارج والشيعة إلى أنه لا يجوز البتة أن يقع من نبي أصلاً معصيةٌ بعمدٍ، لا صغيرة ولا كبيرة، وهو قول ابن مجاهد الأشعري شيخ ابن فورك والباقلاني المذكورين.

IV vol. 4, pp. 52: 17–53; 6 / vol. 2, p. 316 [*al-kalām fi Muḥammad ṣallā Allāh ‘alayhi wa-sallam*]

ويرد أيضاً قوله: إن قال بهذا قول رسول الله صلى الله عليه وسلم: «ما من أحد إلا وقد ألمّ أو كاد إلا يحيى بن زكريا»، أو يقول: إن في الناس من لم يجترح سيئة قط وإن من اجترح السيئات لا يساويهم كما قال عزّ وجلّ، فإن قال ذلك فإن الأنبياء عليهم السلام عنده يجتريحون السيئات وفي سائر الناس من لا يجتريحها، فوجب أن يكون في الناس من هو أفضل من الأنبياء عليهم السلام وهذا كفر مجرّد، وما قدرنا أن أحداً ممن ينتهي إلى الإسلام ولا إلى أهل الكتاب ينطق لسانه بهذا حتى رأينا للمعروف بابن الباقلاني فيما ذكر عنه صاحبه أبو جعفر السمناني قاضي الموصل أنه قد يكون في الناس بعد النبي صلى الله عليه وسلم من هو أفضل من النبي صلى الله عليه وسلم من حين يبعث إلى حين يموت فاستعظمنا ذلك، وهذا شرك مجرّد وقدح في النبوة لا خفاء به، وقد كما نسمع عن قوم من الصوفية أنهم يقولون: إن الولي أفضل من النبي، وكما لا نحقق هذا على أحد يدين بدين الإسلام إلى أن وجدنا هذا الكلام كما أوردنا فتعوز بالله من الارتداد بعد الإيمان.

V vol. 4, p. 67: 3–8 / vol. 2, p. 327 [*hal yakūnu mu’minan man i’taqada al-islām dūn istidlāl am lā yakūnu mu’minan illā man istadalla...*]

قال أبو محمد: ذهب محمد بن جرير الطبري والأشعرية كلها حاشا السمناني إلى أنه لا يكون مسلماً إلا من استدل، وإلا فليس مسلماً. وقال الطبري: من بلغ الاحتلام أو الإشعار من

الرجال والنساء، أو بلغ المحيض من النساء، ولم يعرف الله عزّ وجلّ بجميع أسمائه وصفاته من طريق الاستدلال فهو كافر، حلال الدم والمال، وقال: إنه إذا بلغ الغلام أو الجارية سبع سنين وجب تعليمهما وتدريبهما على الاستدلال على كل ذلك. وقالت الأشعرية: لا يلزمهما الاستدلال على ذلك إلا بعد البلوغ.

VI vol. 5, p. 6: 8–11 / vol. 3, pp. 89–90 [*al-kalām fī imāmat al-mafḍūl*]

قال أبو محمد: والعجب كله كيف يجتمع قول الباقلاني أنه لا تجوز الإمامة لمن غيره من الناس أفضل منه، وهو قد جَوَزَ النبوة والرسالة لمن غيره من الناس أفضل منه، فإنه صرّح فيما ذكره عنه صاحبه أبو جعفر السمناني الأعمى قاضي الموصل بأنه جائز أن يكون في الأمة مَنْ هو أفضل من رسول الله صلى الله عليه وسلم من حين بعث إلى أن مات.

VII vol. 5, pp. 77: 22–80: 3 / vol. 3, pp. 146–148 [*shina' al-Murji'a*]

وقالوا كلهم: إن الله حامل لصفاته في ذاته. وهذا نص قول أبي جعفر السمناني المكفوف وقاضي الموصل وهو أكبر أصحاب الباقلاني مقدم الأشعرية في وقتنا هذا، وقال هذا السمناني: إن من سمى الله تعالى جسماً من أجل أنه حامل لصفاته في ذاته فقد أصاب المعنى وأخطأ في التسمية فقط، وقال هذا السمناني: إن الله تعالى مشارك العالم في الوجود وفي قيامه بنفسه كقيام الجواهر والأجسام وفي أنه ذو صفات قائمة به موجودة بذاته، كما ثبت ذلك فيما هو موصوف بهذه الصفات من جملة أجسام العالم وجواهره. وهذا نص كلام السمناني حرقاً حرقاً. قال أبو محمد: ما أعلم أحداً من غلاة المشبهة أقدم على أن يطلق ما أطلق هذا المبتدع الجاهل الملحد المتهور من أن الله تعالى مشارك للعالم حاشى لله من ذلك. وقال السمناني عن شيوخه من الأشعرية: إن معنى قول النبي صلى الله عليه وسلم إن الله خلق آدم على صورته إنما هو على صفة الرحمن من الحياة والعلم والاقترار واجتماع صفات الكمال فيه، وأُسجد له ملائكته، كما أسجدهم لنفسه، وجعل له الأمر والنهي على ذريته، كما كان لله تعالى كل ذلك. قال أبو محمد: هذا نص كلامه حرقاً حرقاً. وهذا كفر صريح وشرك بواح، إذ صرح بأن آدم على صفة الرحمن من اجتماع صفات الكمال فيهما، فالله تعالى وآدم عنده مثلاً متشابهان في اجتماع صفات الكمال فيهما، ثم لم يقنع بهذه السوءة حتى صرح بأن سجود الملائكة لآدم كسجودهم لله عزّ وجلّ، وحاشى لله من هذا، لأن سجود الملائكة لله

تعالى سجد عبادة وديانة لخالقهم، وسجدوا لآدم سجد سلام وتحية وتشريف منهم لآدم وإكرام له بذلك كسجد يعقوب لابنه يوسف عليهما السلام فقط. ثم زاد اللعين كفرًا على كفر بنصه أن الله تعالى جعل له الأمر والنهي على ذريته، كما كان الله تعالى [كل] ذلك، وهذا شرك لا خفاء به كشرك النصارى في المسيح ولا فرق. ونسأل الله العافية. وقال هذا السمنياني: إن مذهب شيوخي أنهم لا يقولون إن الأمر بالشيء دال على كونه مرادًا للأمر قديمًا كان أو محدثًا، ولا يدل النهي على كونه مكروهًا. هذا نص كلامه، وهذا خلاف للإسلام وللإجماع والمعقول وتصريح بأن الله تعالى إذ أمرنا بالصلاة والزكاة والحج والصيام والجهاد وشهادة الإسلام، فليس في ذلك دليل على أنه يريد شيئًا من ذلك وإذ نهى عن الكفر والزنا والبغاء والسرقه وقتل النفس ظلمًا، فليس ذلك دليلًا على أنه يكره شيئًا من ذلك. وما في الأقوال أثن من هذا القول.

وقال هذا السمنياني: إنه لا يصح القول بأن علم الله تعالى مخالف للعلوم كلها ولا أن قدرته مخالفة للقدرة كلها، لأنها كلها داخلة تحت قولنا ووصفنا للقدرة والعلوم. هذا نص كلامه وهذا بيان بأن دينهم أن علم الله تعالى وقدرته من نوع علمنا وقدرتنا وإذ الأمر كذلك عنده، فعلمنا وقدرتنا عرضان فينا مخلوقان فوجب ضرورة أن علم الله تعالى وقدرته عرضان في الله مخلوقان. ونص هذا السمنياني ومحمد بن فورك في صدر كلامه في كتاب أظنه «الأصول»: أن الحدود لا تختلف في قديم ولا محدث، قالوا ذلك في كلامهم في علم الله تعالى في تحديدهم لمعنى العلم بصفة يقع تحتها علم الله تعالى وعلوم الناس، وهذا نص منهم على أن الله تعالى محدود واقع معنا تحت الحدود هو وعلمه وقدرته، وهو شر من قول جهم شيخهم في الحقيقة وأبين من قول كل مشبه في الأرض. ونص هذا السمنياني على أن العالم والقادر والمريد من الله تعالى وخلقته، إنما كان محتاجًا إلى هذه الصفات لكونه موصوفًا بها لا لجوازها عليه، هذا نص كلامه، وهذا تصريح منهم بلا تكلف ولا تأويل بأن الله تعالى عن كفر هذا الأرعن محتاج إلى الصفات، وهذا كفر ما ندرى أن أحدًا بلغه. ونص هذا السمنياني أيضًا على أن الله تعالى لما كان حيًا عالمًا كان موصوفًا بالحياة والعلم والقدرة والإرادة حتى لا يختلف الحال في ذلك في الشاهد والغائب، هذا نص كلامه وهذا تصريح منه على أن الله تعالى حالًا لا يخالفه فيها خلقه، بل هو وهم فيها سواء. ونص هذا السمنياني على أنه إذا كانت الصفات الواجبة لله تعالى في كونه عالمًا قادرًا لا يغني وجوبها له عن ما هو مصحح لها من الحياة فيه، كما لا يوجب غناه عما يوجب كونه عالمًا قادرًا عن القدرة والعلم.

قال أبو محمد: هذا نص جليّ على أن الله تعالى غير غني عن شيء هو غيره، لأن الصفات عندهم هي غيره تعالى، والله تعالى عندهم غير غنيّ عنها، تعالى الله، وإذا لم يكن غنيّاً عنها فهو فقير إليها هكذا قالت اليهود إن الله فقير، تعالى الله عن هذا، بل هو الغني جملة عن ما سواه وكل من دونه فقير إليه تعالى.

وقال السمناني: إن قال قائل لم أنكرتم أن يكون الله مريدًا لنفسه حسب ما قاله النجار والجاحظ؟ قيل له: أنكرنا ذلك لما قدمنا ذكره، من أن الواحد من الخلق مريد بإرادة، ولا يخلو أن يكون حقيقة المريد من له الإرادة أو كونه مريدًا وجود الإرادة له، وأي الأمرين كان وجبت مساواة الغائب الشاهد في هذا الباب.

قال أبو محمد: وهذا نص جليّ على مساواة الله تعالى لخلقه عند هذا الجاهل. وهذا أعظم في الكفر من قول كل مجسم لأن جميع المجسمين لم يقدم أحد منهم قط على القول بأن الله تعالى مساوٍ لخلقه قبل هذه الفرقة المعلونة، ثم العجب قطعهم بأن الله [تعالى] عزّ وجلّ غائب غير شاهد وحاشى لله عن هذا، بل هو معنا وأقرب إلينا من حبل الوريد، كما قال عزّ وجلّ إنه حاضر في العقول غير غائب. **وقال الباقلاني:** ما وجد في الله تعالى من التسميات فإنه لا يجوز إطلاقها عليه، وإن لم يسمَ بذلك نفسه ما لم يرد شرع يمنع من ذلك.

VIII vol. 5, p. 81: 1–7 / vol. 3, p. 149 [*shina' al-Murji'a*]

وقال رسول الله صلى الله عليه وسلم: «إني أحب أن أسمع من غيري» يعني القرآن. وقال عليه السلام: «الذي يقرأ القرآن مع السفارة الكرام البررة». ونهيه صلى الله عليه وسلم أن يسافر بالقرآن إلى أرض العدو إلى إجماع عامة المسلمين وخاصتهم وجاهلهم وعالمهم على القول: حفظ فلان القرآن وقرأ فلان القرآن وكتب فلان القرآن في المصحف وسمعنا القرآن من فلان، وهذا كلام الله تعالى في المصحف من أول أم القرآن إلى آخر ﴿قل أعوذ برب الناس﴾ [الناس: 1]. **وقال السمناني نصّاً:** إن الباقلاني وشيوخه قالوا: إن النبي صلى الله عليه وسلم إنما أطلق القول بأن ما أنزل الله عليه هو القرآن، وهو كلام الله تعالى إنما هو على معنى أنه عبارة عن كلام الله تعالى، وأنه يفهم منه أمره ونهيه فقط.

IX vol. 5, p. 82: 7–15 / vol. 3, p. 150 [*shina' al-Murji'a*]

قال أبو محمد: **وقالت الأشعرية كلها** إن الله تعالى لم يزل قائلاً لكل ما خلق أو يخلق من المستأنف كُنْ، إلا أن الأشياء لم تكن إلا حين كونها. وهذا تكذيب منهم مكشوف لله عزّ

وجلّ إذ يقول ﴿إِنَّمَا أَمْرُهُ إِذَا أَرَادَ شَيْئًا أَنْ يَقُولَ لَهُ كُنْ فَيَكُونُ﴾ [يس: 82] فبين الله تعالى أنه لا يقول للشيء كُنْ إلا إذا أراد تكوينه، وأنه إذا قال له كُنْ كان الشيء في الوقت بلا مهلة، لأن هذا هو مقتضى الفاء في لغة العرب التي بها نزل القرآن فجمعوا إلى تكذيب الله عز وجل في خبريه [خبريه] جميعاً إيجاب أزلية العالم، لأن الله تعالى إذا كان لم يزل قائلاً لما يكون كُنْ فإن التكوين لم يزل وهذه دهرية محضة، ثم قال السمناني بعد أسطر: لأنه لو وجب وجود ما وجد في الوقت الذي وجد فيه لأجل قول الله تعالى: كُنْ، لوجب أن يوجد لأجل قول غيره له كُنْ لأن صفة الاقتضاء لا تختلف في ذلك بين القديم والمحدث.

X vol. 5, pp. 85: 20–86: 4 / vol. 3, p. 154 [*shinaʿ al-Murjiʿa*]

قال أبو محمد: ثم نخلوا من هذه العظيمة وتبرأ منهم إبليس الذي أورطهم فيها، فشكوا فقالوا في كتبهم: فإن لم يكن هذا فإن الروح تنتقل عند خروجه من الجسم إلى جسم آخر. هكذا نص الباقلاني في أحد كتبه وأظنه الرسالة المعروفة «بالحرّة» وهذا مذهب التناسخ بلا كلفة. وقال السمناني في كتابه: إن الباقلاني وأصحابه قالوا: إن كل ما جاء في الخبر من نقل أرواح الشهداء إلى حواصل طير خضر وأن روح الميت ترد إليه في قبره، وما جرى مجرى ذلك من وصف الروح بالقرب والبعد والحركة والانتقال والسكون والعذاب، فكل ذلك محمول على أقل جزء من أجزاء الميت أو الشهيد أو الكافر، وإعادة الحياة في ذلك الجزء.

XI vol. 5, p. 88: 8–12 / vol. 3, p. 157 [*shinaʿ al-Murjiʿa*]

قال أبو محمد: وسمعتُ بعض مقدميهم يقول: إن من كان على معاصي خمسة من زنى وسرقة وترك صلاة وتضييع زكاة وغير ذلك ثم تاب عن بعضها دون بعض فإن توبته تلك لا تقبل، وقد نص السمناني على أن هذا قول الباقلاني وهو قول أبي هاشم الجبائي، ثم قال السمناني: هذا قول [فوق] خارق للإجماع جملة، وخلاف لدين الأمة. هذا نص قول السمناني في شيخه وشهدوا على أنفسهم وأقبل بعضهم على بعض يتلأومون.

XII vol. 5, p. 88: 15–22 / vol. 3, p. 157 [*shinaʿ al-Murjiʿa*]

وقال تعالى ﴿وَنَضَعُ الْمَوَازِينَ الْقِسْطَ لِيَوْمِ الْقِيَامَةِ فَلَا تُظْلَمُ نَفْسٌ شَيْئًا﴾ [الأنبياء: 47] الآية وقال تعالى ﴿أَنِّي لَا أَضِيعُ عَمَلٌ عَامِلٍ مِنْكُمْ مِنْ ذَكَرٍ أَوْ نِسِيٍّ﴾ [آل عمران: 195]. وبالضرورة يدري كل ذي مسكة من عقل أن التوبة من الزنا خير كبير، فهذا الجاهل يقول

أنه لا يراه صاحبه، وأنه عمل ضائع عند الله عز وجل من مسلم مؤمن، ومعاذ الله من هذا. وسر هذا القول الملعون وحقيقته التي لا بد لقابله منه أنه لا معنى لمن أصرّ على الزنا أو شرب الخمر في أن يصلي ولا في أن يزكي، فقد صار يأمر بترك الصلوات الخمس والزكاة وصوم رمضان والحج، فعلى هذا القول وقائله لعائن الله تترى ما دار الليل والنهار. ونصّ السمني عن الباقلاني شيخه أنه كان يقول: إن الله لا يغفر الصغائر باجتناب الكبائر.

XIII vol. 5, p. 94: 10–16 / vol. 3, p. 163 [*shina' al-Murji'a*]

ومن كفرانهم [كفراهم] الصلح قول السمني إذ نصّ على أن الباقلاني كان يقول: إن جميع المعاصي كلها لا نجد شيئاً منها مما يجب أن يستغفر الله منه جائز وقوعها من النبي صلى الله عليه وسلم حاشى الكذب في البلاغ فقط. وقال الباقلاني: إذا نهى النبي صلى الله عليه وسلم عن شيء ثم فعله فليس ذلك دليلاً على أنه منسوخ، إذ قد يفعله عاصياً لله عز وجل. قال الباقلاني: وليس على أصحابه فرضاً أن ينكروا ذلك عليه. قال السمني في كتاب الإمامة: لولا دلالة العقل على وجوب كون النبي صلى الله عليه وسلم معصوماً في البلاغ عن الله عز وجل لما وجب كونه معصوماً في البلاغ، كما لا يجب فيما سواه من أفعاله وأقواله. وقال أيضاً في مكان آخر منه: وكذلك يجوز أن يكفر النبي بعد أداء الرسالة.

XIV vol. 5, p. 95: 6–13 / vol. 3, p. 164 [*shina' al-Murji'a*]

ومن طوائفهم ما حكاه السمني عن الباقلاني أنه قال: واختلفوا في وجوب كون النبي صلى الله عليه وسلم أفضل أهل وقته في حال الرسالة وما بعدها إلى حين [حين] موته، فأوجب ذلك قائلون وأسقطه آخرون. قال الباقلاني: وهذا هو الصحيح وبه نقول. قال أبو محمد: هذا والله الكفر الذي لا خفاء به إذ جوز أن يكون أحد من في عصر النبي صلى الله عليه وسلم فما بعده أفضل من رسول الله صلى الله عليه وسلم وما أنكرنا على أحمد بن خابط إلا دون هذا، إذ قال: إن أبا ذرّ كان أزهد من النبي صلى الله عليه وسلم. هذا مع قول هذا المستخف الباقلاني الذي ذكره عنه السمني في كتابه الكبير في كتاب الإمامة منه أن من شرط الإمام أن يكون الإمام أفضل أهل زمانه.

ARISTOTLE AND IBN ḤAZM. ON THE LOGIC OF THE *TAQRĪB*¹

Rafael Ramón Guerrero

The history of Aristotle in al-Andalus remains to be discovered. His fortune in the Muslim East is well known: translation of Greek texts had peaked by the late 4th/10th and early 5th/11th centuries.² The name Aristotle attracted attention from very early on, as evidenced by the profusion of “Arab accounts” that ranged from the historical to the anecdotal.³ His figure was of key importance to the development of philosophy in Islam. As an Arab biographer put it, “Aristotle is responsible for the spread of philosophy and ancient sciences in Islamic countries.”⁴ He was even deemed to be “wise,” because a portion of society identified him with philosophy and knowledge: he was nicknamed the “first master.” The translation of his works shaped a *corpus arabicum*, containing both his original texts and a series of spurious books,⁵ which introduced a system of thought that seemed not to contradict the basic tenets of Islam. In fact, in the dream of the Caliph al-Ma’mūn, Aristotle is portrayed as a sage linked to a cultural landscape in which theological disputes were taking place.⁶ Among the first works to be translated were the texts of the *Organon*, which were soon joined by the *Rhetoric* and *Poetics* as well as Porphyry’s *Isagoge*.⁷

¹ This research was carried out within the framework of the Research Project *The Classical Legacy (Greek, Latin, Persian) in Islam in al-Andalus*. Reference: Hum2007-61136/FISO, Ministerio de Educación y Ciencia, Dirección General de Investigación, Spain.

² Cf. Hans Daiber, “Semitische Sprachen als Kulturvermittler zwischen Antike und Mittelalter. Stand und Aufgaben der Forschung,” *Zeitschrift der deutschen morgenländischen Gesellschaft* 136 (1986), pp. 292–313; Cristina D’Ancona, “Le traduzioni di opere greche e la formazione del corpus filosofica arabo,” *Storia della filosofia nell’Islam medievale*, ed. Cristina D’Ancona, Turin 2005, vol. 1, pp. 180–258.

³ Cf. Ingemar Düring, *Aristotle in the Ancient Biographical Tradition*, Gothenburg 1957; Dimitri Gutas, “The Spurious and the Authentic in the Arabic Lives of Aristotle,” *Pseudo-Aristotle in the Middle Ages. The Theology and other Texts*, eds. Jill Kraye, William F. Ryan and Charles B. Schmitt, London 1986, pp. 15–36.

⁴ Ibn al-Qiftī, *Tārīkh al-ḥukamā’*, ed. Julius Lippert, Leipzig 1903, p. 69.

⁵ Cf. Hans Daiber, “Salient Trends of the Arabic Aristotle,” *The Ancient Tradition in Christian and Islamic Hellenism*, eds. Gerhard Endress and Remke Kruk, Leiden 1997, pp. 29–41.

⁶ Cf. Jean Jolivet, “Esquisse d’un Aristote arabe,” *Penser avec Aristote*, ed. Mohammed A. Sinaceur, Toulouse 1991, p. 178.

⁷ ‘Abd al-Rahmān Badawī (ed.), *Manṭiq Aristū*, Cairo 1948–52 [repr. Kuwait/Beirut 1980]; cf. Francis E. Peters, *Aristoteles Arabus. The Oriental Translations and Commentaries*

Philosophers and theologians conceived logic as a tool. Muslim theologians employed it to strengthen the reasoning of doctrines used to fend off attacks from other thinkers, whether heterodox or Christian. An extensive development of logic⁸ in the Arab world took place in the 4th/10th century, when the *Organon* was studied and commented on, giving rise to a significant number of literary genres used for presenting ideas and teaching.⁹

One of the earliest students of Greek logic was al-Fārābī, who excelled in this field.¹⁰ He continued the Alexandrian tradition, composed commentaries on the *Organon* and wrote independent treatises, freely selecting and reorganising the subject matter presented by Aristotle; in al-Fārābī's case, it can truly be said that logic became a work in progress.¹¹ He tackled logic from the perspective of his own era, in which discussions abounded over whether Aristotelian logic was related to words or realities. Along with Ibn Sīnā, he was one of the first Arab logicians to modify Greek logic and adapt it to linguistic and cultural principles. One of his treatises was *Kitāb Qāṭāghuriyyas ayy al-Maqūlāt* (*Book of Categories*, or, *of the Categories*),¹² which deals with one of the components of logic, "the rules of the isolated intelligible forms and the terms used to describe them."¹³ For al-Fārābī, this Aristotelian text is about language, since it is a study of verbal expressions; words as vehicles for expressing thoughts. Hence its connection with grammar and, at the same time, the difference between the two. Subsequent logicians made the same point, that the *Categories* is linked to language.

on the Aristotelian "Corpus," Leiden 1968; cf. *Dictionnaire de philosophes antiques*, ed. Richard Goulet, Paris 1989–, vol. 1, pp. 502–528.

⁸ Cf. Nicholas Rescher, *The Development of Arabic Logic*, Pittsburgh 1964.

⁹ These genres have been studied by Dimitri Gutas, "Aspects of Literary Form and Genre in Arabic Logical Works," *Glosses and Commentaries on Aristotelian Logical Texts*, ed. Charles Burnett, London 1993, pp. 29–76. On pp. 47–50, he points out the importance of al-Fārābī in the evolution of Arab works on logic.

¹⁰ A list of important logicians, in chronological order, can be found in Nicholas Rescher, *The Development of Arabic Logic*, pp. 93–255. Cf. also Tony Street, "Arabic Logic," *Handbook of the history of logic*, eds. Dov M. Gabbay and John Woods, Vol. One: Greek, Indian and Arabian Logic, Amsterdam 2004, pp. 523–596.

¹¹ Cf. *Al-Fārābī's Commentary and Short Treatise on Aristotle's De Interpretatione*, trans. Fritz Zimmermann, London 1981, p. xxiii.

¹² *Al-Manṭiq 'inda l-Fārābī*, vols. 1–3, ed. R. al-'Ajam, vol. 4 ed. M. Fakhri, Beirut 1985–87. *Kitāb Qāṭāghuriyyas* is in vol. 1, pp. 89–131. This text was edited, and translated into English, by D.M. Dunlop, "Al-Fārābī's Paraphrase of the Categories of Aristotle," *Islamic Quarterly* 4 (1958), pp. 168–197; 5 (1959), pp. 21–54.

¹³ *Iḥsā' al-'ulūm*, in *Al-Fārābī: El catálogo de las ciencias*, ed. Angel González Palencia, Madrid/Granada 1953, pp. 46–47 of the Arabic text.

Al-Fārābī also composed, possibly at a later date, a work titled *Kitāb al-Mukhtaṣar al-saghīr fī l-mantiq ‘alā ṭarīqat al-mutakallimīn* (*A Brief Summary of Logic, in the Style of the Theologians*).¹⁴ Here he offers a brief description of the kinds of syllogism, taking his examples from Muslim theologians. The aim was to show the possibility of reducing the dialectical reasoning of the theologians to the categorical syllogisms set out by Aristotle.¹⁵ In doing this, he hoped to integrate Greek scientific methodology into the Islamic sciences,¹⁶ a task that was also taken up by followers such as al-Ghazālī and the Andalusī Ibn Ḥazm.

Studies in logic were continued by al-Fārābī's disciples, among whom it is worth mentioning Yaḥyā b. ‘Adī (d. 363/974), a Jacobite Christian educated in Baghdad in several sciences, where “he studied under Abū Bishr Mattā b. Yūnus and Abū Nasr al-Fārābī,”¹⁷ from who he received his ample knowledge of logic.¹⁸ Abū Sulaymān al-Mantiqī al-Sijistānī (d. ca. 377/987) was a disciple of Yaḥyā b. ‘Adī, from who he learned logic, and subsequently became a significant philosophical figure.¹⁹ He studied alongside Muḥammad b. ‘Abdūn al-Jabalī (d. ca. 385/995). Born in Cordoba, al-Jabalī moved eastwards before returning to his home city;²⁰ it may therefore have been him that brought the logic of the al-Fārābī school to al-Andalus.²¹

When did philosophy reach al-Andalus? Was Aristotle known from early on? The surviving sources point out the suspicion and apprehension felt by Andalusīs towards philosophy. Ibn Ṭufayl's texts from Guadix²² and Ibn Ṭumlus' texts from Alcira,²³ which have been used to explain the

¹⁴ Ed. in *Al-Mantiq ‘ind al-Fārābī*, vol., pp. 65–93.

¹⁵ Kwame Gyekye, “Al-Fārābī on the Logic of the Arguments of the Muslim Philosophical Theologians,” *Journal of the History of Philosophy* 27 (1989), pp. 135–143.

¹⁶ Cf. Dimitri Gutas, “Aspects of Literary Form,” p. 50.

¹⁷ Ibn Abī Uṣaybi‘a, *‘Uyūn al-anba’*, ed. Nizār Riḍā, Beirut 1965, p. 318.

¹⁸ Cf. Nicholas Rescher, *The Development*, pp. 130–134; Joel L. Kraemer, *Humanism in the Renaissance of Islam*, Leiden 1986, pp. 104–116; Ian R. Netton, *Al-Fārābī and His School*, London 1992, pp. 8–11.

¹⁹ Cf. Nicholas Rescher, *The Development*, pp. 134–135; Joel L. Kraemer, *Humanism*, pp. 139–165; Netton, *Al-Fārābī*, pp. 11–13.

²⁰ Cf. Ibn Juljul, *Les générations des médecins et des sages (Kitāb ṭabaqāt al-aṭṭibā’ wa-l-ḥukamā’)*, ed. Fu‘ād Sayyid, Cairo 1955, p. 115.

²¹ Cf. Rescher, *Development*, pp. 135–136.

²² *Hayy ben Yaqdhan. Roman philosophique d'Ibn Thofail*, ed. Léon Gauthier, Beirut 1936. Spanish translation by A. González Palencia, *El filósofo autodidacto*, ed. E. Tornero, Madrid 1995.

²³ *Introducción al arte de la Lógica por Abentomlús de Alcira*, ed. and trans. Miguel Asín Palacios, Madrid 1916, pp. 8–15.

absence of philosophy in the early centuries of Andalusī Islam, do not deal with the problem of the presence or lack of philosophical knowledge, so much as they raise the issue of how Greek philosophical works or Muslim philosophers from the East arrived in al-Andalus. Ibn Juljul (d. ca. 385/995) only²⁴ mentions Muslim Spain's interest in science from the mid-3rd/9th century. Šā'id al-Andalusī (b. 420/1029, d. 462/1070) supports this,²⁵ adding that this interest in science and philosophy did not manifest itself publicly until the 4th/10th century; in other words, it was not socially or politically expedient until that point. He quotes several Andalusīs well-versed in the sciences, among them Muḥammad b. Ismā'il, known as the Learned (d. 331/943), whom he portrays as a man skilled in arithmetic and logic (*manṭiq*), as well as being a prominent grammarian and lexicographer. This seems to confirm that interest in philosophy was initially confined to logic, and was probably linked to the Mu'tazila theological movement, as had occurred in the East.

Some authors focused solely on logic, and showed great skill. Muḥammad b. 'Abdūn al-Jabalī, who may have introduced Farabian logic, has already been mentioned. He was the teacher of Abū 'Uthmān Sa'id b. Muḥammad b. al-Baghūnish (d. 444/1052),²⁶ a physician, scientist, theologian and logician, who was also a student of the famous mathematician Maslama b. Aḥmad al-Majrīṭī. Another author, who was a key influence on the development of logic, especially on Ibn Ḥazm, was his teacher, Abū 'Abd Allāh Muḥammad b. al-Ḥusayn (or al-Ḥasan) al-Madhḥijī (d. ca. 420/1029),²⁷ known as Ibn al-Kinānī or al-Kattānī, also a disciple of the abovementioned Muḥammad b. 'Abdūn al-Jabalī²⁸ and author of treatises on logic and philosophy of enormous quality, value and usefulness.²⁹ Šā'id³⁰ tells us that he was gifted with an extensive knowledge of logic. Lastly, it is also

²⁴ Ibn Juljul, *Les générations des médecins*, p. 92.

²⁵ *Kitāb ṭabaqāt al-umam*, ed. H. Bu 'Alwan, Beirut 1985, p. 158f. Spanish translation: *Libro de las categorías de las naciones*, trans. F. Maíllo Salgado, Madrid 1999, p. 121f.

²⁶ Cf. Šā'id, *Ṭabaqāt*, p. 194f.; Ibn Abī Uṣaybi'a, *Uyūn*, p. 495f.

²⁷ Ibn Ḥazm refers directly to him in *Marātib al-'ulūm*, ed. Anwar G. Chejne, *Ibn Ḥazm*, Chicago 1982, pp. 216–251, p. 242:13–14.

²⁸ Cf. Ibn Abī Uṣaybi'a, *Uyūn*, p. 491f.

²⁹ Ibn Ḥazm, *Risāla fī faḍl al-Andalus*, in *Rasā'il Ibn Ḥazm al-Andalusī*, ed. Iḥsān 'Abbās, Beirut 1987, vol. 2, pp. 171–188; reference to this author on p. 185. Cf. Douglas M. Dunlop, "Philosophical predecessors and contemporaries of Ibn Bajjah," *The Islamic Quarterly* 2 (1955), pp. 105–108.

³⁰ Šā'id, *Ṭabaqāt*, p. 192f.

important to mention ‘Abd al-Raḥmān b. Ismā‘īl b. Badr (d. ca. 413/1022), author of a summary, now lost, of Aristotle’s eight books on logic.³¹

What kind of logic was known in Muslim Spain in the 4th/10th and early 5th/11th centuries? Possibly, Aristotle’s works on logic. However, there is no direct evidence to support this. The name Aristotle was known in the 4th/10th century, as can be seen in Ibn Juljul’s³² biography of him, although from the information given, it seems that he had no direct knowledge of Aristotle’s texts, rather that this knowledge was acquired second hand;³³ besides, Aristotle was not a widely-read author. The only thing that can be safely affirmed is that his logic was known of. However, we know little more than this.

One of the earliest surviving works which deals extensively with Aristotelian logic is *al-Taqrīb li-ḥadd al-mantiq wa-madkhal ilayhi* (*Approximation to the Definition of Logic: an Introduction*),³⁴ written by Ibn Ḥazm of Cordoba (b. 384/994, d. 456/1064). This text became known through the work of Asín Palacios,³⁵ who emphasised that its teachings, while broadly Aristotelian, do not coincide with the *Organon*. He also pointed out that Ibn Ḥazm makes use of legal and religious examples. Although the work has already been edited and a few articles have been written on it,³⁶ a comprehensive study and a complete version of the text are still lacking.

The author’s intention is to present the rule or criterion (*al-mi’yār*) that would be valid for all the sciences,³⁷ because logic results from the gift given to humans by God, that which makes humans superior to animals: reason and the ability to understand.³⁸ Because logic is universal, it can be applied to the natural world and religious affairs. The work is an original

³¹ Šā‘id, *Ṭabaqāt*, p. 167. Cf. Rescher, *Development*, p. 144.

³² Ibn Juljul, *Les générations*, pp. 25–27.

³³ In the early 12th century, Ibn Bājja undertook an indirect reading of Aristotle’s work. Cf. Ibn Bājja, *Opera metaphysica: Rasā’il Ibn Bājja al-ilāhiyya*, ed. Majid Fakhry, Beirut 1991, introduction, pp. 18–23.

³⁴ “*al-Taqrīb li-ḥadd al-mantiq wa-madkhal ilayhi*,” in *Rasā’il Ibn Ḥazm al-Andalusī*, ed. Iḥsān ‘Abbās, Beirut 1987, vol. 4, pp. 91–356.

³⁵ Miguel Asín Palacios, *Abenḥázam de Córdoba y su Historia crítica de las ideas religiosas*, Madrid 1927–32, vol. 1, pp. 249–251.

³⁶ Robert Brunschvig, “Pour ou contre la logique grecque chez les théologiens-juristes de l’Islam: Ibn Hazm, al-Ghazali, Ibn Taymiya,” *Oriente e Occidente nel Medioevo: Filosofia e Scienze, Atti del Convegno (dal 9 al 15 aprile 1969)*, Rome 1971, pp. 185–209; Abdel Magid Turki, “Notes sur l’évolution du zāhirisme d’Ibn Hazm (456/1063) du *Taqrīb* à l’*Iḥkām*,” *Studia Islamica* 49 (1984), pp. 175–185; Chejne, *Ibn Ḥazm*, pp. 157–177; idem, “Ibn Ḥazm of Cordova on Logic,” *Journal of the American Oriental Society* 104 (1984), pp. 57–72.

³⁷ *Taqrīb*, p. 349: 7. Cf. p. 102: 8–9.

³⁸ *Taqrīb*, 93–94.

compendium: an introduction to logic using everyday language, in a simple and familiar style that can be easily understood, with legal examples that show how this can be applied to the religious sciences. This was a new, innovative method: "He went on to explain logic, eradicate incorrect opinions of it and refute falsehoods about it, a path which, as far as we know, has not been followed by anyone before him."³⁹ His method was the cause of some scandal in certain circles.⁴⁰

The work begins with a prologue⁴¹ in which, after setting out the most important gifts humankind has received from God, reason and language, Ibn Ḥazm criticises those who maintain that logic is not necessary, merely because the pious tradition of Islam did not consider it as such. He goes on to say that neither Arabic grammar nor Islamic law existed during early Islamic times, whereas now they have become indispensable. He therefore puts forward several arguments for considering logic as essential knowledge. Following this, he says that some scholars have compiled texts in order classify kinds of things, and it is here that he refers to Aristotle, author of eight books on logic which establish definitions that make them invaluable. However, people have split into four groups in response to these books: those who believe they hold the seed of non-belief and further the cause of heresy; those who maintain that they contain incomprehensible and rambling ideas; those who read them with unstable understanding, twisted desires or through eyes full of contempt; and those able to examine them with a calm mind, pure reflection and clear understanding. The oneness of God is confirmed in the last group, as they are witness to the division of things and the footprints left in them by God; they see in these books both a pious companion and a true refuge. The cause of so much disparity of opinion on Aristotle's books on logic lies in the complexity of the translation and in the use of infrequent terms used in very limited contexts. Ibn Ḥazm's intention, therefore, is to use terms that are easily understandable. These books are like powerful medicine, beneficial for those with a sound and healthy disposition, but harmful to those with a weak and sickly constitution. Consequently, he sets out to resolve the difficulties involved in reading Greek texts on logic and uses this treatise to make clear the most complex concepts.⁴²

³⁹ Abū 'Abd Allāh al-Ḥumaydī, *Jadhwat al-muqtabis*, ed. Muḥammad T. Ṭanjī, Cairo 1952, p. 291.

⁴⁰ Cf. Robert Brunschvig, "Pour ou contre la logique grecque," p. 192.

⁴¹ *Taqrib*, pp. 93–104.

⁴² *Taqrib*, p. 102.

After the prologue, Ibn Ḥazm looks extensively at Porphyry's *Isagoge* or *Introduction to Logic*, which he divides into ten sections or chapters,⁴³ in which he deals with issues such as the sounds and names, description and definition and, lastly, the five predicables; genus, kind, specific difference, property and accident, which he always relates to individual things. As far as can be deduced from these pages, the relationship with the works of the Greek philosopher is not direct, but indirect, possibly originating in some summary or oral transmission. The impression here is of similarity to the kind of notes that would be taken by a student. The conceptual poverty of this summary stands in sharp contrast to commentaries written by other authors, such as al-Fārābī or Ibn Sīnā.

The *Isagoge* is followed by other books from the *Organon*, together with the *Rhetoric* and *Poetics*, according to the Greek tradition accepted in the Arab world. The author sets this out in five sections, the first of which is devoted to the work *On Categories*.⁴⁴ The others are *On Interpretation*, *On Demonstration*, which includes *Analytics*, *Topics* and *Sophistical Refutations* from *On Rhetoric*, and *On Poetics*.

According to Ibn Ḥazm, the work *On Categories* deals with the simple words with which Aristotle begins his works on logic, called "categories" in Greek, in reference to the ten predicables. Firstly, he sets out the five ways in which a term can apply to many things: a) univocal terms (*mutawāṭi'a*), which share both name and meaning, for example "living," a single term applied to different individuals with the same meaning;⁴⁵ b) diverse terms (*mukhtalifa*), which differ in name and meaning, such as "man" and "donkey;"⁴⁶ c) ambiguous terms (*mushtaraka*), with shared names but different meanings, for example "eagle," a word referring both to a bird and to a star;⁴⁷ d) synonymous terms (*mutarādifa*), with the same names but different meanings, such as *sinnawr* and *aywan*, two different words used for the same individual: the house animal that catches mice,

⁴³ *Taqrib*, pp. 104–133.

⁴⁴ *Taqrib*, pp. 134–186.

⁴⁵ These correspond to Aristotle's "synonyms," *Cat.*, 1 to 6 ss. Cf. 'Abd al-Rahmān Badawī, *Mantiq Aristū*, Kuwayt/Beirut 1980, vol. 1, p. 33: 9.

⁴⁶ These are not "ambiguous," as translated by Chejne, *Ibn Ḥazm*, p. 170, because, as the Cordoban philosopher points out in his explanation of the next kind of terms, ambiguity implies having the same name but a different meaning. Cf. Ibrahim Madkour, *L'Organon d'Aristote dans le monde arabe*, Paris 1969, p. 62.

⁴⁷ These are Aristotle's "homonyms," *Cat.*, 1a 1; *Mantiq Aristū*, vol. 1, p. 33, where the Greek term is translated as *al-muttafaqa*.

the cat;⁴⁸ e) derived terms (*al-mushtaqqā*), which have different meanings and names used to describe their kind, but share some attributes because they are derived from the same word.⁴⁹ Secondly, Ibn Ḥazm makes a distinction between simple and compound words; the latter are those that provide a complete sentence, for example “Zayd is an emir,” and of which there are five types: proposal, information (or verification), invocation (exclamation or interjection), desire and order. The concepts of true or false can not be applied to the last four, nor can they be used to provide proof (*burhān*); proposals, in contrast, are governed by truth or falseness, necessity and persuasion. He goes on to talk about predication and its double kind, substantial and accidental. After this introduction, Ibn Ḥazm deals with the ten categories in detail: substance, quantity or number, quality, relation, place, time, position, state, action and affection. This is followed by a chapter explaining the following terms: otherness, similarity, difference, incompatibility, opposition, acquisition and deprivation. Before concluding the section on the *Categories*, Ibn Ḥazm discusses movement and its different types.

This shows that his presentation of the content of Aristotle’s work contains more than the original itself. In addition, the way in which each category is described seems to confirm the idea that Ibn Ḥazm did not have the original text in front of him: he frequently refers to “the Ancients,” instead of mentioning Aristotle by name. For example, on substance he writes: “The Ancients called individual substances true primary substances, meaning that [substances are] Zayd, ‘Amr, ‘Abd Allāh’s adult camel, Khālīd’s dog or ‘Amr’s clothes, and things of the like.” It is surprising he devotes no more than two pages to substance,⁵⁰ when Aristotle dedicated much more space to the topic in the *Categories*.⁵¹

Ibn Ḥazm says that substance is the first of the ten categories: it is the supreme category because it is the subject of the rest, which are all predicated of it. It exists of itself, while the remainder only exist as substances.

⁴⁸ For Aristotle, the term “synonym” is applied to things that share a common name and meaning, and corresponds to Ibn Ḥazm’s “univocal” terms.

⁴⁹ For Aristotle, these are “paronyms,” all things which receive their name from something else, with a difference in inflection, *Cat.*, 1a 13; *Manṭiq Aristū*, vol. 1, p. 33f. The examples put forward by Aristotle, *grammatikós* and *grammatiké*, derived from *gramma*, are totally different from those offered by Ibn Ḥazm: “white clothes,” “white bird” and “white man,” which are physically the same (*jismāniyya*) and “brave lion (*shujā’*)” and “brave man,” which are metaphorically the same (*naḥṣāniyya*). In the Arabic translation of Aristotle’s text, the example given is “brave” (*shujā’*), derived from “bravery” (*shajā’a*).

⁵⁰ *Taqrib*, pp. 144–146.

⁵¹ Aristotle, *Cat.* 5, 2a10–4b19.

As can be seen from the text above, he states that the true primary substance is the individual substance, while the secondary substances are genera and species. In the same way, there are primary and secondary accidents. Substance has no opposite and when it is described by an opposite, this refers not to the substance itself, but to its opposing qualities. He also adds that God lacks an opposite because He has no qualities whatsoever. A substance cannot be more or less predicated: it is not possible to state that one donkey is more of a donkey than another, both are simply donkeys. Lastly, he established a descriptive (*rasm*) definition of substance: that which exists of its own accord and receives opposites. Here the soul is used as an example: it exists in and of itself while being the site of opposites such as knowledge and ignorance, bravery and cowardice, honesty and greed, among other moral attributes.⁵²

In contrast, a considerable number of pages are given over to quantity, which Ibn Ḥazm connects to number, quality and relation.⁵³ On quantity, he mentions that the Ancients believed it to be applicable to seven species: number, solid, surface, line, space, time and speech. As quantities, these seven species are divided into two groups: those regarded as continuous because they have parts in common: solid, surface, line, space and time; and those that are discrete, because their parts are not held in common but succeed each other, such as number and speech. Up to this point, Ibn Ḥazm is in agreement with the definitions set out by Aristotle.⁵⁴ However, he then embarks upon a lengthy explanation, introduced by the words “Abū Muḥammad ‘Alī b. Aḥmad said,” in which he states that the species identified with quantity is in fact number, as there can be no quantity without number: the body is measurable and all measurements are numbers.⁵⁵ Number is applied to surface and line, because these are the limits of the body, and as such are the origin of figures.⁵⁶ The same can be said of space and time: number is concomitant to both.⁵⁷ Speech is also number, because it consists of words, which are made up of syllables, which in turn are composed of letters, the “letters of the alphabet,” whose number varies according to the language.⁵⁸ Ibn Ḥazm continues to speak of quantity as number until the end of the chapter—there seems

⁵² *Taqrib*, p. 144f.

⁵³ *Taqrib*, pp. 146–153 on quantity; pp. 154–161 on quality; pp. 161–165 on relation.

⁵⁴ Aristotle, *Cat.*, 6, 4b20–5a14.

⁵⁵ *Taqrib*, p. 146.

⁵⁶ *Taqrib*, p. 147.

⁵⁷ *Taqrib*, p. 148.

⁵⁸ *Taqrib*, p. 148f.

to be little direct dependence here on Aristotle's text. He notes that quality "almost spans all nine categories, with the exception of substance."⁵⁹ It answers the question "What is it like?" which can not be responded to with "seven measures," "yesterday," or "at the mosque." Quality exists in all bodies that have a soul and those that do not, such as the state of health or illness, abundance and lack, darkness and colour. All affective qualities are also included in the category of quality. Relation is the union of one thing with another, or, according to philosophy (*fī ṭarīq al-falsafa*), is the connection (*nisba*) between two things.⁶⁰ Around two pages are devoted to time (when) and space (where),⁶¹ while position, state, action and affection are mentioned in just a few lines.⁶²

As well as the difference in content, Ibn Ḥazm also uses different terminology and an Arabic translation of Aristotle's *Organon*. The terms he uses to refer to different parts of the *Organon* seem to be derived⁶³ from the Islamic world's earliest logicians, such as al-Kindī, although some explanations are influenced by al-Fārābī. So what were Ibn Ḥazm's sources of logic?

As mentioned above, Aristotle and Porphyry's original texts must be ruled out, as a simple comparison of the vocabulary in the Arabic translation of these texts and in the work of Ibn Ḥazm reveals great discrepancies. Another possible source could have been some lost commentaries or summaries of the *Organon* or the *Isagoge*⁶⁴ by al-Kindī, against whom Ibn Ḥazm wrote a refutation;⁶⁵ but it is not known whether he was aware of such texts. Šā'id al-Andalusī only says of al-Kindī that while his books on logic were popular, they did not contain the true art of analysis and therefore could not be used to distinguish between truth and error, although he does not mention any title in particular.⁶⁶ It seems more unlikely that he knew al-Fārābī's texts, as Šā'id, admitting his skill in logic by hailing him as the greatest Muslim in the field, does not actually name any of the works

⁵⁹ *Taqrib*, p. 154.

⁶⁰ *Taqrib*, p. 161.

⁶¹ *Taqrib*, pp. 165–170.

⁶² *Taqrib*, pp. 170–173. It must be remembered that Aristotle did not give any space whatsoever to the categories of time, place and position. The last chapter of the *Categories* deals with state; 15, 15b16–31.

⁶³ Cf. Chejne, *Ibn Ḥazm*, p. 175.

⁶⁴ Cf. Ibn Abī Uṣaybi'a, *Uyūn*, pp. 279–293.

⁶⁵ "Al-Radd 'alā l-Kindī al-faylasūf," *Rasā'il Ibn Ḥazm*, vol. 4, pp. 361–405.

⁶⁶ Šā'id, *Tabaqāt*, p. 136.

themselves,⁶⁷ which may indicate that these texts were still unavailable at the time in al-Andalus.

The *Rasā'il* of the Ikhwān al-Ṣafā' cannot be considered as sources either, since they seem to have been brought to al-Andalus by al-Majrīṭī around 1000 CE. These do present Aristotle and Porphyry's texts on logic, but a simple reading of the *Rasā'il* and the *Taqrīb* quickly shows great divergences between the two texts. The *Rasā'il* include five sections on logic: *Isagoge*,⁶⁸ *Categories*,⁶⁹ *De Interpretatione*,⁷⁰ *Prior Analytics*,⁷¹ and *Posterior Analytics*,⁷² while the *Taqrīb* places the *Isagoge* in the introduction, and then follows on with the others.

Ibn Ḥazm's sources on logic were probably the Andalusī authors who had already written on the subject, as can be deduced from his own testimony:

I have studied the definitions of logic (*ḥudūd al-manṭiq*) with Abū 'Abd Allāh Muḥammad b. al-Ḥasan al-Madhḥijī, the physician, may God have mercy on him, known as Ibn al-Kattānī; I have not seen such a sharp mind as his in this matter, nor incisive faculties greater than his. He had studied with the physician Abū 'Abd Allāh al-Jabalī, who in turn had studied in Baghdad with Abū Sulaymān Dāwūd b. Bahram al-Sijistānī; Dāwūd had studied under Mattā. I also studied logic with Thābit b. Muḥammad al-Jurjānī al-'Adawī, known as Abū l-Futūḥ; amongst all the creatures of God, praise be upon him, I have never seen one more learned in this science, nor more zealous, nor more able than he, and when I reached the beginning of the *Posterior Analytics* with al-Jurjānī, I was joined by Muḥammad b. al-Ḥasan, who introduced and made himself known to al-Jurjānī; he witnessed my studies with al-Jurjānī. He had learned science from al-Ḥasan b. Sahl b. al-Samḥ in Baghdad who, in turn, had obtained his knowledge from Mattā. Thābit told me that he lived in the same house as al-Ḥasan for a year.⁷³

This statement, which there seems no reason to doubt, links Ibn Ḥazm with the Baghdad school of logic, of which Abū Bishr Mattā b. Yūnus and

⁶⁷ Ṣā'id, *Ṭabaqāt*, p. 137f.

⁶⁸ Ikhwān al-Ṣafā', *Rasā'il*, Beirut Dār Ṣādir 1957, vol. 1, pp. 390–403.

⁶⁹ *Rasā'il*, vol. 1, pp. 404–413.

⁷⁰ *Rasā'il*, vol. 1, pp. 414–419.

⁷¹ *Rasā'il*, vol. 1, pp. 420–428. The name given to this part is also different. In the Ikhwān, this chapter is titled *Fī Anālūtiqa al-ulā* and the following title is *Fī ma'nā Anālūtiqa al-thāniyya*. Ibn Ḥazm, however, refers to *Posterior Analytics* under the traditional name of *Kitāb al-Burhān*.

⁷² Ikhwān al-Ṣafā', *Rasā'il*, vol. 1, pp. 429–451.

⁷³ This text is included in the famous Smyrna manuscript of the *Taqrīb*; quoted by editor Iḥsān 'Abbās, vol. 4, introduction, p. 39. On the names mentioned here, cf. Dunlop, "Philosophical predecessors," and Rescher, *The Development*.

al-Fārābī had been the foremost teachers, as already mentioned. An analysis of the terminology used in Ibn Ḥazm's chapter on the *Categories* seems to confirm this link with the Baghdad school. However, this should not lead us to conclude that the relationship was direct; rather it was indirect, through summaries and oral transmissions. Careful reading of the pages where Ibn Ḥazm describes the categories confirms the inferiority of its content if compared to al-Fārābī's text.

The same conclusion can be reached about the lines he devotes to the *Rhetoric*.⁷⁴ Firstly, this can be seen in use of the term *balāgha*, found in the expression *ʿilm al-balāgha* to refer to one of the Islamic sciences, that which is related to the eloquence and inimitable nature of the Qurʾān, which has been dubbed a kind of "islamically" motivated rhetoric,⁷⁵ instead of the term *khaṭāba*, used in philosophy to refer specifically to the Aristotelian work titled *Rhetoric*. Secondly, because these pages contain no more than a sketch of rhetoric that bears little relationship to that set out by Aristotle in his work. He points out that rhetoric varies from one language to another according to the speakers' ability to link "verbal expressions and meanings that go hand in hand in all languages."⁷⁶ For discourse to be eloquent, rare terms should not be overused:

Rhetoric is understood both by the common man and the expert, and uses a turn of phrase that grabs the attention of the common man because of its unfamiliarity, just as the expert is attracted to its composition and content. It should encompass the whole subject without adding anything unrelated, nor deducting anything necessary. Its clarity will make it comprehensible to the receiver, the remote becoming accessible. There will be abundant content, but this will be easy to retain due to the conciseness and simplicity of the vocabulary.⁷⁷

Ibn Ḥazm's view of rhetoric is dominated by the concept of clarity, rather than the suggestion and persuasion present in other works on rhetoric. For this reason, he suggests the use of reiteration, but only to explain aspects of the discourse that remain unclear, not when the receiver has already grasped the message. He concludes that there are two kinds of *balāgha* or rhetoric: that used in oral expression for the majority of people, a paradigm of which would be al-Jāhīz; and that which uses uncommon

⁷⁴ *Taqrib*, pp. 351–353.

⁷⁵ Cf. Philip Halldén, "What is Arab Islamic Rhetoric? Rethinking the History of Muslim Oratory and Homiletics," *International Journal of Middle East Studies* 37 (2005), p. 21.

⁷⁶ *Taqrib*, p. 351.

⁷⁷ *Taqrib*, p. 352.

expressions, such as al-Ḥasan al-Baṣrī or Sahl b. Hārūn. There is probably a third kind of rhetoric between these two: that used by the translator of *Kalīla wa-Dimna*. Ibn Ḥazm ends by alluding to examples taken from Arab rhetoricians; he even recommends that those wishing to further their knowledge of rhetoric should study all of the sciences and, above all, the Qurʾān, the *ḥadīth*, history and the works of ʿAmr b. Baḥr, as well as having a innate predisposition. In fact, he adds, “the natural (*al-tabʿ*) does not yield before knowledge (*ʿulūm*) is gathered.”⁷⁸ Clarity, novelty and rarity made comprehensible both for the people and experts are the fundamental premises of his rhetoric.⁷⁹ None of this is reminiscent of Aristotelian rhetoric.

Consequently, Ibn Ḥazm’s link to the logical tradition of the eastern Islamic world, which depended on the Greek logical tradition originating with Aristotle, seems reliable, although it remains to be confirmed by intermediate texts yet to be discovered. However, there is no evidence that confirms direct knowledge of Aristotle and the *Organon*. It can therefore be concluded that Aristotle was not read during the first half of the 5th/11th century.

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⁷⁸ *Taqrīb*, pp. 352–353.

⁷⁹ Cf. José M. Puerta Vilchez, *Historia del pensamiento estético árabe*, Madrid 1997, pp. 273–276.

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IBN ḤAZM'S LOGICAL PEDIGREE

Joep Lameer

INTRODUCTION

Many years ago, I drew attention to the fact that after Abū Naṣr Fārābī (d. 339/950), Ibn Ḥazm was among the earliest Muslim authors to have suggested that a parallel can be drawn between Aristotelian modal logic and the modalities of a system of norms.¹ The subject is not unimportant, because norms regulate human behaviour, so that a better understanding of their perceived interconnections will lead to a better understanding of the workings of normative (i.e. legal) systems. As a Ḍāhirī, Ibn Ḥazm was a declared advocate of a literalist interpretation of the sources of Islamic jurisprudence.² It is therefore reasonable to assume that his discussions of the modalities must have been aimed at strengthening his literalist legal views.³ But ahead of any future examination of this hypothesis, it will be

¹ Joep Lameer, *Al-Fārābī and Aristotelian Syllogistics: Greek Theory and Islamic Practice*, Leiden 1994, p. 240f. What is meant is the idea that a comparison can be made between the concepts of necessity, possibility and impossibility on the one hand, and the notions of obligation, permission and prohibition on the other. In western philosophy it is not until much later that we can find traces of similar ideas, for which see e.g. Georg Henrik von Wright, "On the Logic of Norms and Actions," *New Studies in Deontic Logic. Norms, Actions and the Foundations of Ethics*, ed. Risto Hilpinen, Dordrecht 1981, (3–35) p. 3 (referring to Leibniz, 1646–1716), and Simo Knuuttila, "The Emergence of Deontic Logic in the Fourteenth Century," *New Studies in Deontic Logic*, pp. 225–226, 240 (referring to Robert Holcot and Roger Rossetus, both 14th cent.). See also Paul McNamara, "Deontic Logic," *The Stanford Encyclopedia of Philosophy (Fall 2010 Edition)*, ed. Edward N. Zalta at <http://plato.stanford.edu/archives/fall2010/entries/logic-deontic/> [accessed 12/03/2012].

² Abdel Magid Turki, "al-Ḍāhiriyya," *The Encyclopaedia of Islam*, New Edition, vol. 11, pp. 394a–396b.

³ A similar view is implied in Wadī' Wāṣif Muṣṭafā, *Ibn Ḥazm wa-mawqifuhu min al-falsafa wa-l-mantiq wa-l-akhlāq*, Abu Dhabi 2000, p. 206. Some forty years ago, Brunschvig rejected Ibn Ḥazm's equation of the two modalities out of hand as "...a reckless idea" ("una concepción temeraria," Robert Brunschvig, "Los teólogos-juristas del islam en pro o en contra de la lógica griega: Ibn Ḥazm, al-Gazālī, Ibn Taymiyya," *Al-Andalus* 35 (1970), p. 154). Brunschvig was not the first to raise doubts about Ibn Ḥazm's competence in logic: almost one thousand years before him, Ṣā'id al-Andalusī (d. 462/1070) stated already that Ibn Ḥazm was a bad logician. Ṣā'id's view was rejected by Chejne, who claimed that "On the whole, Ibn Ḥazm succeeded in his lucid treatment of logic, remaining faithful to... Aristotle's *Organon* in format and content." Arnaldez, on the other hand, argued that Ibn Ḥazm moved outside of any strictly Aristotelian framework, there thus being no point

helpful to first determine Ibn Ḥazm's lineage in the field of Aristotelian logic, which is what this article proposes to do.

PREVIOUS SUPPOSITIONS ABOUT IBN ḤAZM'S LOGICAL STUDIES

Until the publication of the second edition of Ibn Ḥazm's popularizing work on logic called the *Kitāb al-Taqrīb li-hadd al-mantiq* (*An Explanation of the Principles of Logic*),⁴ little was known about his formation as a logician. Up to that moment, it had been assumed that he had studied dialectic and rhetoric with Abū l-Qāsim al-Miṣrī (d. 409/1019).⁵ This assumption seems to be based on the fact that in his famous treatise on lovers and love, the *Ṭawq al-ḥamāma*, Ibn Ḥazm intimates that Abū l-Qāsim was his teacher in subjects such as *balāgha* and *jadal*.⁶ Now even though it is true to say that in the medieval Arabic tradition from the early tenth century onwards, the term *jadal* referred (among other things) to Aristotelian dialectic⁷ (called *jidāl* and *jadal* by Ibn Ḥazm),⁸ *jadal*'s association with *kalām* (theology) in the *Ṭawq al-ḥamāma*⁹ leaves the impression that it is meant to be understood in the sense of theological disputation theory, which has in fact little in common with dialectic in an Aristotelian context.¹⁰

in hunting for deformed or badly assimilated Peripatetic notions. On the basis of my own readings in Ibn Ḥazm I am inclined to believe that in the matter of the modalities, Arnaldez' position comes closest to the truth. Cf. Ṣā'id al-Andalusī, *Kitāb Ṭabaqāt al-umam*, ed. Louis Cheikho, Beirut 1912, p. 76: 5–8; Anwar G. Chejne, "Ibn Ḥazm of Cordova on Logic," *Journal of the American Oriental Society* 104 (1983), pp. 62 and 64, where Chejne gives a translation of the passage from Ṣā'id; Roger Arnaldez, *Grammaire et théologie chez Ibn Hazm de Cordoue. Essai sur la structure et les conditions de la pensée musulmane*, Paris 1956, p. 25.

⁴ Ibn Ḥazm, *Kitāb al-Taqrīb li-hadd al-mantiq wa-l-mudkhal ilayhi bi-l-alfāz al-ʿammīyya wa-l-amthila al-fiqhiyya*. The edition used is Iḥsān 'Abbās, *Rasā'il Ibn Ḥazm al-Andalusī* 1–4, Beirut 1981–83, vol. 4, pp. 93–356.

⁵ Roger Arnaldez, "Ibn Ḥazm," *The Encyclopaedia of Islam*, New Edition, vol. 3, p. 791b. Abū l-Qāsim's full name was Abū l-Qāsim 'Abd al-Rahmān b. Abī Yazīd al-Azdī al-Miṣrī. For the date of Abū l-Qāsim's death, see Sālim Yafūt, *Ibn Ḥazm wa-l-fikr al-falsafī bi-l-Maghrib wa-l-Andalus*, Casablanca 1986, p. 46.

⁶ Ibn Ḥazm, *Ṭawq al-ḥamāma*, p. 260: 8–16. The edition used is Iḥsān 'Abbās, *Rasā'il Ibn Ḥazm al-Andalusī*, vol. 1, pp. 84–319.

⁷ Cf. e.g. Rafiq al-'Ajam's edition of Fārābī's compendium of Aristotle's *Topics*, the *Kitāb al-Jadal* in his *al-Mantiq 'inda l-Fārābī*, vol. 3, Beirut 1986.

⁸ Ibn Ḥazm, *Taqrīb*, pp. 325: 11 and 337: 12.

⁹ Ibn Ḥazm, *Ṭawq al-ḥamāma*, p. 260: 14–15.

¹⁰ On the use of *jadal* in Islamic theology and law, see Ewald Wagner, "Munāzara," *The Encyclopaedia of Islam*, New Edition, vol. 7, p. 566a; Muḥammad Zārī, "Jadal," *Dāneshnāma-yi jahān-i islām*, vol. 9, pp. 716a–717b.

By the same token, I would suggest understanding *balāgha* as used in the *Tawq al-ḥamāma* in the traditional sense of “eloquence,” rather than as referring to Aristotelian rhetoric. It could of course be argued that this term was also used in this latter application, especially in the second/eighth and third/ninth centuries, after which it was gradually, but not altogether, superseded by the expression *khaṭāba*.¹¹ Yet, I do not think that Ibn Ḥazm understood *balāgha* in this Aristotelian sense, even though in theory he might very well have done so. This is because the *Taqrīb* happens to contain a chapter on *balāgha*¹² which, given the fact that in this work it is the author's declared intention to set forth the doctrines of the Aristotelian *Organon* (which in the Arabic tradition included the *Rhetoric* and the *Poetics*),¹³ we would have every reason to expect to be about the *Rhetoric*. But in point of fact, what we find is a very brief exposition of the art of *eloquence*, illustrated with references to the works of Arabic writers who were famous in that field.

Apart from this reference to Abū l-Qāsim, which in my view does not inform us in any way on Ibn Ḥazm's logical studies, all that was known was that his teacher in “philosophy,” which might have included courses in logic,¹⁴ was the physician¹⁵ Abū ‘Abd Allāh Muḥammad b. al-Ḥasan al-Madhḥijī (d. ca. 419/1029), better known as Ibn al-Kattānī. Furthermore, he was acquainted with the works of Sa‘īd b. Fathūn al-Ḥammār al-Saraqustī, who according to information contained in Šā‘id al-Andalusī's bio-bibliographical dictionary the *Kitāb Ṭabaqāt al-umam* (completed in 460/1068) was one of Ibn al-Kattānī's teachers in logic.¹⁶

¹¹ Lameer, *Al-Fārābī and Aristotelian Syllogistics*, p. 236f.

¹² Ibn Ḥazm, *Taqrīb*, pp. 351–353.

¹³ Ibid., p. 98: 1–12. On the inclusion of the *Rhetoric* and the *Poetics* in the *Organon*, cf. the classic article by Richard Walzer, “Zur Traditionsgeschichte der aristotelischen *Poetik*,” in idem, *Greek into Arabic. Essays on Islamic Philosophy*, London 1962, pp. 129–136.

¹⁴ As already noted by Cornelis van Arendonk, “Ibn Ḥazm,” *Encyclopaedie des Islam*, vol. 2, p. 409b.

¹⁵ In the medieval Islamic world, students of medicine received courses in logic and philosophy. As a result, many physicians were also logicians and/or philosophers and conversely, many logicians or philosophers were trained physicians. Famous examples (not all Muslims though) include Ḥunayn b. Ishāq (d. 260/873), Abū Bishr Mattā b. Yūnus (d. 328/940), Ibn Sīnā (d. 428/1037), Abū al-Faraj b. al-Ṭayyib (d. 435/1043), Abū l-Barakāt al-Baghdādī (d. after 560/1164–5), and Ibn Rushd (d. 595/1198). See also Nicholas Rescher, *The Development of Arabic Logic*, Pittsburgh 1964, *passim*.

¹⁶ Ibn Ḥazm, *Risāla Fī faḍl al-Andalus wa-dhikri rijālihā*, p. 185: 7–10. The edition used is Iḥsān ‘Abbās, *Rasā’il Ibn Ḥazm al-Andalusī*, vol. 2, pp. 171–188; Šā‘id al-Andalusī, *Kitāb Ṭabaqāt al-umam*, p. 82: 1, 8, 11–12; Arnaldez, “Ibn Ḥazm,” p. 791b. On Abū ‘Abd Allāh Muḥammad b. al-Ḥasan al-Madhḥijī (Ibn al-Kattānī, sometimes called Ibn al-Kinānī), see Fuat Sezgin, *Geschichte des Arabische Schrifttums*, vol. 3, Leiden 1970, p. 319f., where his

AN IMPORTANT DISCOVERY IN TURKEY

The discovery of a second copy of the *Taqrib* in Izmir in Turkey, which made it possible for Iḥsān ‘Abbās to revise his earlier edition of this work,¹⁷ increased our knowledge dramatically. This is because at the end of this copy there is a unique and personal statement by Ibn Ḥazm on his logical studies. This undated report is transmitted by an anonymous spokesperson, on the authority of a certain Abū Bakr, who had it from the likewise unidentified Abū ‘Abd Allāh, who had heard it from Ibn Ḥazm himself.

In his discussion of this report, Iḥsān ‘Abbās identifies Abū ‘Abd Allāh as Ibn Ḥazm’s contemporary Muḥammad b. ‘Abd al-Malik b. Ḍayfūn al-Ruṣāfi, also known as Abū ‘Abd Allāh.¹⁸ This identification is the more interesting because the report itself is appended to a copy of the *Taqrib* that was *owned* by al-Ruṣāfi, authenticated by Ibn Ḥazm himself as having been read to him, and dated Ṣafar 439 (August 1047).¹⁹

Now if Abū ‘Abd Allāh is indeed Ibn Ḥazm’s contemporary al-Ruṣāfi, and if this al-Ruṣāfi was, since he was his student, much younger than Ibn Ḥazm, then I suggest considering the possibility that the Abū Bakr mentioned at the beginning of the report is none other than Abū Bakr b. al-Ṣā’igh, better known as Ibn Bājja (d. 533/1139). If true, this would mean that Ibn Bājja heard the report in his younger years from an aged Abū ‘Abd Allāh, which is entirely possible. If all this is true, I would expect the anonymous speaker to have met Ibn Bājja at some point during the second or third decade of the sixth/twelfth century. So the first thing that needs to be done now is to have a closer look at the manuscript in Izmir to verify if this hypothesis is acceptable on codicological grounds.²⁰

Having discussed the possible identities of Abū Bakr and Abū ‘Abd Allāh, here follows the English translation of Ibn Ḥazm’s report on his masters in logic:²¹

name is given as Abū ‘Abd Allāh Muḥammad b. al-Husayn b. al-Kattānī. In his *Risāla Fī faḍl al-Andalus*, Ibn Ḥazm does not add “Ibn al-Kattānī,” but elsewhere he does, as will become clear presently. On Ibn al-Kattānī, see now also S. Sadiq and J. Lirola Delgado, “Ibn al-Kattānī, Abū ‘Abd Allāh,” *Biblioteca de al-Andalus*, eds. J. Lirola and J.M. Puerta Vilchez, vol. 3, Almería 2004, pp. 735–738.

¹⁷ Cf. ‘Abbās, *Rasā’il Ibn Ḥazm al-Andalusī*, vol. 4, pp. 48–50.

¹⁸ Ibid., pp. 33, n. 6 and 39: 7.

¹⁹ Ibid., p. 33.

²⁰ Unfortunately, Iḥsān ‘Abbās does not provide any further codicological information on this important fragment.

²¹ The Arabic is found in ‘Abbās, *Rasā’il Ibn Ḥazm al-Andalusī*, vol. 4, p. 39: 7–18.

Shaykh Abū Bakr told me: Shaykh Abū ‘Abd Allāh told me: Abū Muḥammad ‘Alī b. Aḥmad b. Sa‘īd b. Ḥazm, the *ḥāfiẓ*²² and jurisconsult, told us: “I studied the principles of logic under the physician Abū ‘Abd Allāh Muḥammad b. al-Ḥasan al-Madhḥijī, known as Ibn al-Kattānī, may God have mercy upon him, and in this field I never saw a mind sharper than his, nor anybody with a command of it greater than his. He had studied it under the physician Abū ‘Abd Allāh al-Jabalī, while al-Jabalī [himself] had studied it in Baghdad under Abū Sulaymān Dāwūd b. Bahrām al-Sijistānī, Dāwūd having studied it under Mattā. Then I also studied this subject under Thābit b. Muḥammad al-Jurjānī al-‘Adawī, surnamed Abū l-Futūḥ. In the entire creation of the Mighty and Glorious God I never saw anyone surpassing the knowledge that he possessed in this discipline, neither in scope, nor in depth. And when I had reached the beginning of the *Apodeiktika* [i.e. the *Posterior Analytics*] under al-Jurjānī, Muḥammad b. al-Ḥasan [al-Madhḥijī] came and joined us, this as a gesture of respect towards al-Jurjānī and in recognition of his authority. And he was there when I recited this [part] to al-Jurjānī. Al-Jurjānī had acquired his knowledge of this discipline in Baghdad from al-Ḥasan [b.] Sahl b. al-Samḥ, while al-Ḥasan b. Sahl [himself] had studied it with Mattā [b. Yūnus]. And Thābit told me that he had lived with al-Ḥasan in one and the same house for years.²³

ANALYSIS OF IBN ḤAZM'S ACCOUNT

In his brief discussion of the above account, Iḥsān ‘Abbās takes its veracity as a given.²⁴ But are all of Ibn Ḥazm's assertions indeed verifiable? In the above report he declares that he had two teachers in logic, both of whom claimed to be linked to Mattā b. Yūnus (d. 328/940), the famous Christian translator and commentator of Aristotle's logical and philosophical works and one of the founding fathers of the Baghdad School in logic.²⁵ Of these,

²² A *ḥāfiẓ* is someone who knows the Koran by heart. Since there is no single term for this in English, I decided to avoid a cumbersome translation and just transcribe the Arabic word instead.

²³ A Spanish translation of this fragment is found in Rafael Ramón Guerrero, “El arte de la lógica en Córdoba. El libro *al-Taqrīb li-ḥadd al-manṭiq* de Ibn Ḥazm,” *Revista del Instituto Egipcio de Estudios Islámicos en Madrid* 29 (1997), p. 179f.; idem, “El pensamiento griego en la lógica de Ibn Ḥazm. Su *Kitāb al-taqrīb*,” *Anales del Seminario de Historia de la Filosofía* 19 (2002), p. 37f.; idem, “Los inicios de la Lógica en Al-Andalus: Ibn Hazm de Córdoba,” *Revista de Hispanismo Filosófico* 15 (2010), p. 39.

²⁴ ‘Abbās, *Rasā’il Ibn Ḥazm al-Andalusī*, vol. 4, p. 39f. The above report is also accepted as true in Ramón Guerrero, “El arte,” p. 180; idem, “El pensamiento,” p. 38; idem, “Los inicios,” p. 39. Similarly in Muṣṭafā, *Ibn Ḥazm*, p. 201, and Samuel-Martin Behloul, *Ibn Ḥazm's Evangelienkritik. Eine methodische Untersuchung*, Leiden 2002, p. 95.

²⁵ On Abū Bishr Mattā, see Gerhard Endress, “Mattā Ibn Yūnus,” *The Encyclopaedia of Islam*, New Edition, vol. 6, pp. 844b–846a. On the Baghdad School of logic, see Rescher, *The Development of Arabic Logic*, pp. 33ff.

the first was the afore-mentioned physician Ibn al-Kattānī, and the second the grammarian Thābit b. Muḥammad al-Jurjānī, better known as Abū l-Futūḥ (d. 431/1039).²⁶

Teacher 1: Ibn al-Kattānī

Now let us look at the first chain of teachers of logic, leading from Ibn al-Kattānī up to Mattā b. Yūnus. As stated by Ibn Ḥazm, the physician Abū ‘Abd Allāh Muḥammad b. al-Ḥasan al-Madhḥijī, known as Ibn al-Kattānī, had studied logic under the physician Abū ‘Abd Allāh al-Jabalī,²⁷ who had studied in Baghdad under the famous Abū Sulaymān al-Sijistānī (nicknamed *al-manṭiqī*, “the logician,” d. ca. 375/990),²⁸ who is claimed to have taken courses in logic with (Abū Bishr) Mattā himself.

The connection between Ibn al-Kattānī and al-Jabalī, as well as the one between al-Jabalī and al-Sijistānī, is also found in Šā‘id al-Andalusī’s entries on Ibn al-Kattānī and al-Jabalī in his *Kitāb Ṭabaqāt al-umam*.²⁹ Only, in the *Ṭabaqāt*, al-Jabalī’s full name is given as Muḥammad b. ‘Abdūn al-Jabalī,³⁰ which is however not incompatible with the fact that Ibn Ḥazm refers to him as Abū ‘Abd Allāh.

While the relation between Ibn al-Kattānī and al-Jabalī poses no particular problem, it was already noted by Kraemer that there is a difficulty with the connection between al-Jabalī and al-Sijistānī.³¹ This is because the combined information on al-Jabalī as contained in the biobibliographical dictionaries of Šā‘id al-Andalusī, Ibn Juljul al-Andalusī (completed in 377/987) and Ibn Abī Uṣaybi‘a (7th/13th cent.) seems to indicate that al-Jabalī may never have studied or lived in Baghdad, but only in Basra and Cairo.³² Moreover, al-Sijistānī is not known to have

²⁶ On Abū l-Futūḥ, see Sezgin, *Geschichte*, vol. 9, Leiden 1984, p. 225.

²⁷ This must be Muḥammad b. ‘Abdūn al-Jabalī al-Udhri (d. after 360/970), on whom see Sezgin, *Geschichte*, vol. 3, p. 303.

²⁸ On al-Sijistānī, see Joel L. Kraemer, *Philosophy in the Renaissance of Islam. Abū Sulaymān al-Sijistānī and his Circle*, Leiden 1986.

²⁹ Šā‘id al-Andalusī, *Kitāb Ṭabaqāt al-umam*, pp. 82: 7–8, 81: 10–11.

³⁰ Ibid., p. 81.8.

³¹ Kraemer, *Philosophy*, pp. 85–87.

³² Šā‘id al-Andalusī, *Kitāb Ṭabaqāt al-umam*, p. 81: 8–16; Ibn Juljul al-Andalusī, *Kitāb Ṭabaqāt al-aṭibbā’ wa-l-ḥukamā’*, ed. Fu‘ād Sayyid, Cairo 1955, p. 155 # 57; Ibn Abī Uṣaybi‘a, *Kitāb ‘Uyūn al-anbā’ fi ṭabaqāt al-aṭibbā’* 1–3, ed. August Müller, Königsberg 1882, vol. 2, p. 46.13–22. Ramón Guerrero is aware of the fact that al-Jabalī is not known to have lived in Baghdad (“Los inicios,” p. 34), but sees no reason to doubt the veracity of the above report (ibid., p. 39); cf. likewise: idem, “Ibn Ḥazm of Cordova on Porphyry’s *Eisagoge*,” *Florilegium mediaevale. Etudes offertes à Jacqueline Hamesse à l’occasion de son éméritat*, eds. José Meirinhos and Olga Weijers, Louvain, 2009, p. 527.

been in Basra in the period in which al-Jabalī lived in that city (somewhere between 346/958 and 359/970). Finally, al-Jabalī is nowhere mentioned by al-Sijistānī's protégé and companion Abū Ḥayyān al-Tawḥīdī (d. ca. 414/1022), although he does refer to another Andalusī scholar, a certain Abū Muḥammad al-Andalusī, on numerous occasions.³³ Given these considerations, I conclude that even though there is a possibility that Ibn Ḥazm was told personally by Ibn al-Kattānī that his teacher al-Jabalī had told him, Ibn al-Kattānī, that he had taken classes with al-Sijistānī, this being by no means certain, the connection between al-Jabalī and al-Sijistānī must (with Kraemer) for the time being be considered as being open to question. A way out of this dilemma might, however, be to suppose that al-Jabalī at one time had declared something like: "In logic I am all Sijistānī," intending to say no more than that he had read, and was profoundly influenced by, al-Sijistānī's *Discourse on Logic* that is attributed to him by Ibn Abī Uṣaybi'a,³⁴ a statement that would then have been misinterpreted as implying that he had actually met and studied with al-Sijistānī. All this, however, is highly speculative, so that for the time being the problem will have to remain unsolved.

In connection with al-Sijistānī's alleged studies with Abū Bishr Mattā it should be noted that according to Kraemer, "There is no evidence that Sijistānī studied with either of these two great figures [i.e. Fārābī or Abū Bishr Mattā] although [the biographer] Ibn al-Qiftī [7th/13th cent.] makes him a pupil of Ibn Yūnus [i.e. Abū Bishr Mattā]."³⁵ Later on, Kraemer once again brings up the matter of the connection between al-Sijistānī and Abū Bishr Mattā as posited by Ibn al-Qiftī, his final judgment being as follows: "The only piece of information in this [i.e. Ibn al-Qiftī's] account [on al-Sijistānī] not derived from Tawḥīdī is the statement that Sijistānī studied with Mattā b. Yūnus. Although this assertion is usually taken at face value, it is not corroborated by other sources and is probably false. When Sijistānī reports about Mattā b. Yūnus..., he relies upon [Yaḥyā] b. 'Adī [d. 363/973], which he would presumably not have done had he studied with Ibn Yūnus."³⁶

³³ Kraemer, *Philosophy*, pp. 85–87; cf. also Maribel Fierro, "Entre Bagdad y Córdoba: centro y periferia en el mundo del saber islámico (siglos III/IX–VI/XII)," *Iraq y al-Andalus. Oriente en el Occidente Islámico*. Estudios Andalusies, ed. Salvador Peña, Almería, 2007, vol. 2, p. 90.

³⁴ Ibn Abī Uṣaybi'a, *Uyūn al-anbā'*, vol. 1, p. 322: 12 (*kalām fī l-manṭiq*), referred to by Kraemer in his *Philosophy*, p. 133.

³⁵ Kraemer, *Philosophy*, p. 25.

³⁶ Ibid., p. 102.

Apparently Kraemer did not know that the connection between al-Sijistānī and Abū Bishr Mattā is also made in the Izmir copy of Ibn Ḥazm's *Taqrīb* that is under discussion here. Yet I do not believe that his assessment regarding the spuriousness of a similar report in Ibn al-Qiftī is seriously threatened by the account of Ibn Ḥazm. Indeed, with Kraemer, I am of the opinion that the arguments against such a connection must for the moment be taken to outweigh the mere positing of it by (Ibn Ḥazm and) Ibn al-Qiftī.

Apart from al-Jabalī, Ibn al-Kattānī had other teachers in logic, notably among them 'Umar b. Aḥmad b. Yūnus al-Ḥarrānī.³⁷ Al-Ḥarrānī was a student in Baghdad, but he and his brother Aḥmad seem to have arrived some ten years after Abū Bishr Mattā had passed away. They stayed about ten years in Baghdad before returning to al-Andalus in 350/962. It is not certain with whom 'Umar studied Aristotelian logic while in Baghdad, but possibly with their teacher of Galen, a certain Thābit b. Sinān b. Thābit b. Qurra.³⁸ Because there is not enough information on 'Umar's linkage to Abū Bishr Mattā, he has not been included in figure 1. below.

Teacher 2: Abū l-Futūḥ

As for his second teacher in logic, Abū l-Futūḥ, Ibn Ḥazm reports that he had studied logic in Baghdad under the guidance of the Christian philosopher al-Ḥasan b. Sahl b. al-Samḥ (d. 426/1035), with whom he apparently shared living quarters for years, while Ibn al-Samḥ is presented as another student of Abū Bishr Mattā.

The connection between Ibn Ḥazm and Abū l-Futūḥ appears to be confirmed by another reference to him in Ibn Ḥazm's *Kitāb al-Fiṣal fī l-milal wa-l-ahwā' wa-l-niḥal*.³⁹ On the other hand, the relation between Abū l-Futūḥ (who is known to have resided in Baghdad) and Ibn al-Samḥ seems to be secured by the fact that Ibn Ḥazm tells us that it was Abū l-Futūḥ himself who told him that they had shared living quarters for years. The supposed connection between Ibn al-Samḥ and Abū Bishr seems, however, highly doubtful, given the fact that Ibn al-Samḥ must have been born after, or at best shortly before, Abū Bishr's death in 328/940. On the other hand, it is generally accepted as a fact that Ibn al-Samḥ was a student of

³⁷ On Ibn al-Kattānī's teachers in logic, see Ṣā'id al-Andalusī, *Kitāb Ṭabaqāt al-umam*, p. 82: 8–13.

³⁸ Ibid., pp. 80: 18–81: 4.

³⁹ 'Abbās, *Rasā'il Ibn Ḥazm al-Andalusī*, vol. 4, p. 33, unfortunately without giving a precise reference.

the Christian thinker Yaḥyā b. 'Adī, who himself had studied with Abū Bishr Mattā.⁴⁰ So even though there *is* a connection between Ibn al-Samḥ and Abū Bishr Mattā, this connection is not a direct one, as Ibn Ḥazm wants us to believe.

IBN ḤAZM'S CLAIMS IN PART UNPROVEN

In view of the above, it may be concluded that Ibn Ḥazm regarded himself *qua* logician as having been formed in the tradition of the School of Baghdad, which ties in very well with the general character of logical studies in al-Andalus throughout the Middle Ages,⁴¹ and also with Ibn Taymiyya's remark that Ibn Ḥazm took pride in being a representative of the Baghdad School as originating from Abū Bishr Mattā b. Yūnus.⁴² On the other hand, it has also emerged that the chain of transmission given by Ibn Ḥazm is not altogether beyond question, it being the earliest stages where there is reason to doubt the reliability of his report. Figure 1 below represents Ibn Ḥazm's report on the logical tradition in which he stands. In this figure, the arrows connect teachers with their students. The symbol "©" stands for a relation that could be confirmed, "?" for a relation that could not be confirmed, and "x" for a relation that never existed.

IBN ḤAZM, FĀRĀBĪ, AND THE ORAL TRADITION

In the *Taqrīb*, Ibn Ḥazm contends that to the best of his knowledge he is the first ever to compose a popular manual on Aristotelian logic.⁴³ Basing himself, oddly enough, only on the testimony of Ibn Ḥazm's student al-Ḥumaydī (d. ca 488/1095), Rafael Ramón Guerrero holds a similar view.⁴⁴ However, about a century before Ibn Ḥazm, this had already been done by Fārābī in his compendium of Aristotelian syllogistics, the

⁴⁰ Gerhard Endress, *The Works of Yaḥyā Ibn 'Adī. An Analytical Inventory*, Wiesbaden 1977, pp. 5–6, 9.

⁴¹ Rescher, *The Development of Arabic Logic*, p. 55.

⁴² Ibn Taymiyya, *Kitāb al-Radd 'alā al-manṭiqiyyīn*, ed. 'Abd al-Samad Sharaf al-Dīn al-Kutubī, Bombay 1949, pp. 131: 20–132: 1; 'Abbās, *Rasā'il Ibn Ḥazm al-Andalusī*, vol. 4, p. 39: 1–2, 19.

⁴³ Ibn Ḥazm, *Taqrīb*, p. 232: 4–12, with 100: 12–18.

⁴⁴ Rafael Ramón Guerrero, "El prólogo del *Taqrīb li-ḥadd al-manṭiq* de Ibn Ḥazm de Córdoba," *Qurṭuba* 1 (1996), p. 142; idem, "El arte," p. 171; idem, "Los inicios," pp. 35–36; idem, "Ibn Ḥazm of Cordova," p. 529; idem, "Ibn Ḥazm de Córdoba y el *Peri Hermeneias* de Aristóteles," *Synoptikos. Mélanges offerts à Dominique Urvoy*, eds. Nicole Koulayan

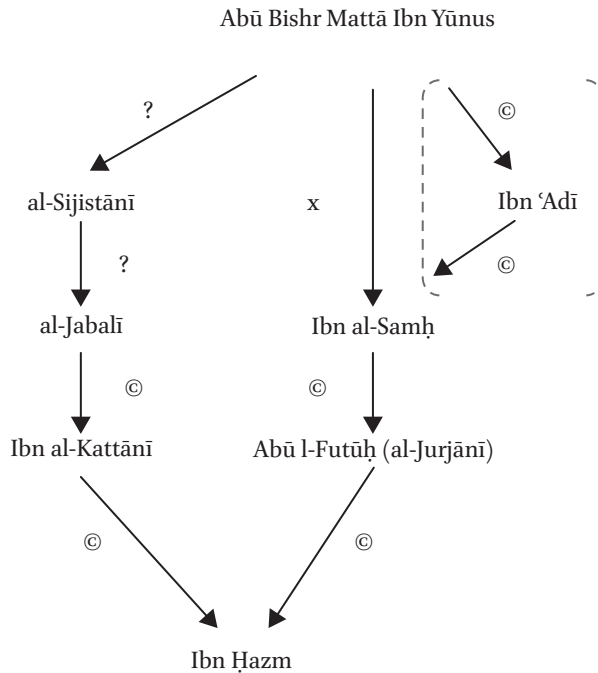


Figure 1. Assessment of the logical pedigree claimed by Ibn Ḥazm. Ibn 'Adī, not mentioned by him, is bracketed.

Kitāb al-Qiyās al-ṣaghīr.⁴⁵ Fārābī is also the first Islamic philosopher on record to have made the significant suggestion to compare Aristotelian to deontic modalities,⁴⁶ discussed about a century later in greater detail by Ibn Ḥazm.

In view of Ibn Ḥazm's connection with the Baghdad School in logic, the question arises whether he was directly acquainted with the works of Fārābī, who is generally regarded as *the* representative of this school. Until evidence to the contrary becomes available, we must accept Cruz Hernández's observation that the logical works of Fārābī were not known in Spain

and Mansour Sayah, Toulouse 2011, p. 100; the same view, but without the reference to al-Ḥumaydī, is found in his "El pensamiento," p. 32.

⁴⁵ See especially Fārābī's Introduction to this treatise, in Mühabat Türker, "Fārābī'nin bazı mantık eserleri," *Revue de la Faculté de Langues, d'Histoire et de Géographie de l'Université d'Ankara* 16 (1958), pp. 243.6–244.16, and Rafiq al-'Ajam, *al-Mantīq 'inda l-Fārābī*, Beirut 1986, vol. 2, pp. 68.12–70.5.

⁴⁶ Cf. n. 1 above.

until after Ibn Ḥazm, in the time of Ibn al-Sīd of Badajoz (d. 521/1127).⁴⁷ But the absence of works does not imply the absence of ideas. This is certainly true in the case of Ibn Ḥazm's teachers: Abū l-Futūḥ had been to Baghdad, and Ibn Ḥazm's other teacher in logic, Ibn al-Kattānī, had had a teacher himself, 'Umar b. Yūnus al-Ḥarrānī, who had studied in Baghdad as well. This leads me to believe that by listening to his masters, Ibn Ḥazm became familiar with popular representations of logical issues in the style of Fārābī, while his interest in the legal aspects of modal logic appears to have arisen in a similar context as well. The general conclusion then seems to be that even though Cruz Hernández may be right in affirming that Fārābī's logical works were not known in al-Andalus before the second half of the fifth/eleventh century, yet his *ideas* may have been transmitted in an oral fashion as much as half a century prior to that.⁴⁸

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⁴⁷ Miguel Cruz Hernández, "La recepción de los *falāsifa* orientales en al-Andalus: problemas críticos," *Anaquel de Estudios Árabes* 4 (1993), p. 46.

⁴⁸ This would confirm Ramón Guerrero's suggestion about the possible existence and importance of such an oral tradition, made in his "Ibn Ḥazm of Cordoba," p. 540; idem, "Los inicios," p. 39f.; idem, "Ibn Ḥazm de Córdoba," p. 112.

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IBN ḤAZM ON SINS AND SALVATION

Christian Lange

Ibn Ḥazm's view of sins and salvation is laid out, next to the relevant passages of his great dogmatic work *K. al-Fiṣal fī l-mīlāl wal-aḥwā' wal-niḥāl* and to the credal prolegomenon of the *K. al-Muḥallā*, in a short treatise entitled "Concise epistle on the ways toward salvation" (*Risālat al-Talkhīṣ fī wujūh al-takhlīṣ*). The *Risālat al-Talkhīṣ*, which lies at the centre of the following discussion, was discovered by Hellmut Ritter in the Fātiḥ mosque in Istanbul (Ms. Arab. 2704) in the early 1930s, together with other epistles of the Zāhirī master. It was first brought to the attention of a wider circle of Ibn Ḥazm scholars by M. Asín Palacios in 1934. Asín Palacios, in his short paraphrase, also included some edited passages of the Arabic original.¹ A full edition was prepared by Iḥsān 'Abbās and published in Cairo in 1960, together with *al-Radd 'alā Ibn al-Naghrīla* and some other of Ibn Ḥazm's minor works.² More recently, in 2003 and 2005, separate editions, complete with an extensive critical apparatus, have made the *Risālat al-Talkhīṣ* accessible to a broad reading public. These editions appear to reflect a growing interest in, and popularity of, Ibn Ḥazm in recent years.³

In an article published in 1977, Ralph Stehly drew attention to a passage in the *Risālat al-Talkhīṣ* in which, as he suggested, the Muslim Sunnī doctrine of sins and redemption is "excellement résumé."⁴ The passage concludes the first of nine sections of the *Risālat al-Talkhīṣ*, a tightly argued exhortatory epistle which contains Ibn Ḥazm's answers to a string of questions put to him in a letter sent to him by a group of "brothers" (*ikhwa*), followers of the Zāhirī school and students, like Ibn Ḥazm himself, of

¹ Miguel Asín Palacios, "Un código inexplorado del Cordobés Ibn Ḥazm," *al-Andalus* 2 i (1934), pp. 1–56. The *Risālat al-Talkhīṣ* is dealt with on pp. 27–46.

² Ibn Ḥazm, *al-Radd 'alā Ibn al-Naghrīla al-Yahūdī wa-rasā'il ukhrā*, ed. Iḥsān 'Abbās, Cairo 1960.

³ Ibn Ḥazm, *al-Talkhīṣ li-wujūh al-takhlīṣ*, ed. 'Abd al-Ḥaqq al-Turkumānī, Göteborg 2003; idem, *Risālat al-Talkhīṣ li-wujūh al-takhlīṣ*, eds. Abū 'Abd Allāh Sa'īd b. Khalaf al-Shammārī al-Zāhirī and Abū 'Abd al-Raḥmān b. 'Aqīl al-Zāhirī, Riyadh 2005. In the following, I am quoting from the 2005 edition.

⁴ Ralph Stehly, "Un problème de théologie islamique: la définition des fautes graves (*kabā'ir*)," *Revue des Études Islamiques* 45 ii (1977), 166.

Abū l-Khiyār Mas‘ūd b. Sulaymān b. Muflit al-Shantarīnī (d. 426/1035), a famous Ṣāhīrī scholar who had suffered, like his favourite pupil Ibn Ḥazm, persecution at the hands of the Mālikī *fuqahā* in Cordoba.⁵ Ibn Ḥazm devotes a couple of touching lines to the memory of his respected teacher.⁶ This allows us to date the work to the twilight of Ibn Ḥazm’s career, that is, to the period in which he had withdrawn from government service to purely intellectual work in his home village of Munt Lisham, where he also ended his life.⁷

The passage in question is as follows:

Know that God Almighty has given us five precious gifts (*mawāhib*) that ensure salvation except for those who are doomed (*hālik*). These are:

First: God Exalted pardons minor sins (*ṣaghā’ir*) as long as grave sins (*kabā’ir*) are avoided. Even if people came to the Place of Resurrection (*‘arṣat al-qiyāma*) with enough minor sins to fill the earth, as long as they have not committed a grave sin, or have committed a grave sin but then repented it, God would not hold them responsible for any of them. God Exalted has said: “If you avoid the grave sins that are forbidden to you, We will acquit you of your evil deeds (*nukaffir ‘ankum ṣayyi’ātikum*), and admit you by the gate of honour [into paradise]” (Q 4:31).⁸

Second: If people’s grave sins are manifold, and if then God grants them sincere repentance (*tawba*) before death, [and if this is] in accordance with its [i.e. repentance’s] proper definition (*ḥaqquhā*) and conditions (*shurūṭuhā*), all of them [i.e. all grave sins] become void. God will not hold them responsible for any of them. This is a consensus (*ijmā’*) of the *umma*.

Third: Those who commit grave sins, in as much as God permits it, and then die persisting in them [i.e. without having repented], but whose good actions (*ḥasanātuhu*) and evil actions (*ṣayyi’ātuhu*) are equilibrated (*istawāt*), no additional evil action having been committed by them, are forgiven and will not be held responsible for anything they have done. God Exalted has said: “The good deeds will drive away the evil deeds” (Q 11:14). And He Exalted has made reference to “those whose [good] deeds weigh heavy in the Balance” (Q 101:6).

Fourth: God counts an evil action once and a good action ten times, and [on top of this] God gives double measure to whom He pleases.

Fifth: For those whose transgressions are legion (*man aḥātat bihi khaṭī’atuhu*), and in whom there is more evil than good, God has decreed

⁵ Miguel Asín Palacios, *Abenḥázam de Córdoba y su historia crítica de las ideas religiosas*, Madrid 1927–32, vol. 1, pp. 136–139.

⁶ *Risālat al-Talkhīṣ*, p. 85.

⁷ Roger Arnaldez, “Ibn Ḥazm, Abū Muḥammad ‘Alī,” *Encyclopaedia of Islam*. New Edition, vol. 3, p. 791b.

⁸ Translations from the Qur’ān, with slight modifications, are those of Arthur Arberry (1955).

punishment *initially*; but then He will release them from it [i.e., from punishment] into paradise on strength of the Intercession (*bi l-shafā'a*). He will make them reside therein forever. He will not begin to reward them for their good actions in paradise and then return them from there to hell. In fact, could there be any [other] abode after this [act of] grace (*dhālika l-faḍl*)?⁹

This exposition of the doctrine of sin and salvation is indeed a concise summary of Ibn Ḥazm's view, but its various elements deserve elaboration nonetheless. In fact, a closer look at the *Risālat al-Talkhīṣ* leads us to revisit Stehly's assessment and to nuance in important respects the impression of almost limitless *certitudo salutis*, that seems to speak from Ibn Ḥazm's lines. Of the views proffered by Ibn Ḥazm, the one that there are people who are "doomed" (*hālik*), that is, beyond the opportunity for salvation, is directed against the unbelievers (*kuffār*). However, the *Risālat al-Talkhīṣ* does not discuss in any depth how faith (*īmān*) and unbelief (*kufr*) are to be conceived, even if Ibn Ḥazm's own definition is implied in many passages.¹⁰ Suffice it to highlight here that Ibn Ḥazm's criteria of admissibility to the group of the saved were rather strict. The credal statement that concludes *Marātib al-ijmā'*, his work on consensus, lays out a fairly long list of doctrinal points whose denial is answered by *takfīr*.¹¹ Ibn Ḥazm was "quick to declare anyone who disagreed with him an unbeliever (*kāfir*) who would go straight to hell," which, as Camilla Adang notes, "did not make him many friends."¹²

While the *Risālat al-Talkhīṣ* does not address the question of *īmān* and *kufr* at length, it offers interesting discussions of the "five gifts" mentioned by Ibn Ḥazm. These concern the following topics: (1) the taxonomy of sins as minor or grave sins, (2) the definition and the conditions of repentance, (3) the principle of equilibrium of good and evil actions, (4) the principle of disproportional expiation of bad actions through good actions, and (5) the Prophet's intercession. In what follows, each of these five themes shall be explored further, both on the basis of the *Risālat al-Talkhīṣ* and some of Ibn Ḥazm's other *kalām* writings. This, it is hoped, will accomplish two things: First, to exemplify the theological hermeneutics of Ibn Ḥazm, who, as Goldziher noted, was the first to transpose the principles developed in

⁹ *Risālat al-Talkhīṣ*, pp. 133–134.

¹⁰ Cf. the conclusion, below.

¹¹ *Marātib al-ijmā'*, ed. Ḥasan Aḥmad Isbir, Beirut 1419/1998, pp. 167–178.

¹² Camilla Adang, "This Day I Have Perfected Your Religion for You': A Zāhiri Conception of Religious Authority," *Speaking for Islam: Religious Authorities in Muslim Societies*, eds. Gudrun Krämer and Sabine Schmidtke, Leiden 2006, p. 19.

Zāhirī fiqh to *kalām*;¹³ second, to allow some judgement about Ibn Ḥazm's soteriology and eschatological thought in general.

1. THE QUESTION OF GRAVE SINS

Four questions, Ibn Ḥazm notes at the beginning of the *Risālat al-Talkhīṣ*, have been put to him by his "brothers": What kind of sinful behaviour is most likely to be censured by God? What kind of behaviour inspires God to show forgiveness (*ʿafw*) and favour (*faḍl*), and what provokes His displeasure (*sukht*) and anger (*ghaḍab*)? What should a person do who has committed many sins? Finally, how can one achieve expiation (*taḳfīr*) for minor and for grave sins?¹⁴

All these questions show a concern that, when the Muslim sinner comes to face God's judgement on the Day of Resurrection, some sins may not be pardoned so easily after all. Ibn Ḥazm comments that, different though these questions may seem, their meaning (*maʿnā*) is really one.¹⁵ He reassures his "brothers" of the basic Qurʾānic principle that "if you avoid the grave sins (*in tajtanibū l-kabāʾir*) that are forbidden to you, We will acquit you of your evil deeds (*nukaḳfir ʿankum sayyiʾātikum*)" (Q 4:31). Minor sins having been dealt with in this fashion, "only the issue of the grave sins remains."¹⁶

But indeed, what *are* the grave sins? As is well-known, the Qurʾān, though establishing a distinction between minor and grave sins, does not provide much of an answer,¹⁷ which therefore has to be sought in the *ḥadīth*. Ibn Ḥazm relates the opinion of some that there are seven grave sins, as is suggested by the Prophetic tradition that enjoins Muslims to "avoid the seven abominable things" (*al-sabaʿ al-mūbiqāt*).¹⁸ These, Ibn Ḥazm claims, the Prophet has determined to be: (1) polytheism, (2) sorcery, (3) homicide,

¹³ Ignaz Goldziher, *Die Zāhiriten: Ihr Lehrsystem und ihre Geschichte*, Leipzig 1884, pp. 119, 170.

¹⁴ *Risālat al-Talkhīṣ*, p. 86.

¹⁵ *Risālat al-Talkhīṣ*, p. 86.

¹⁶ *Risālat al-Talkhīṣ*, p. 86. In the *K. al-Muḥallā*, Ibn Ḥazm uses *lamam* as a synonym for *ṣaghāʾir*, and *fawāḥish* (sing. *fāḥisha*) as a synonym for *kabāʾir*. See Ibn Ḥazm, *K. al-Muḥallā*, ed. Lajnat Ihyaʾ al-Turāth al-ʿArabī, Beirut n.d., vol. 1, p. 41. Cf. Q 53:32.

¹⁷ See M.Q. Zaman, "Sin, Major and Minor," *Encyclopedia of the Qurʾān*, vol. 5, pp. 19a–28a.

¹⁸ Bukhārī, *Waṣāyā* 10; Muslim, *Īmān* 144. *Ḥadīths* from *al-kutub al-tisʿa* are quoted according to Arent Jan Wensinck, *Concordance et indices de la tradition musulmane* 1–8, Leiden 1992.

(4) usurpation of the inheritance of orphans, (5) usury, (6) flight from the battlefield, and (7) slander directed against unsuspecting married (or previously married) Muslim women (*muḥsanāt ghāfilāt*).¹⁹ However, Ibn Ḥazm then adds the opinion attributed to Ibn ‘Abbās that the grave sins are closer to seventy than to seven.²⁰ At first sight, this would appear to contradict the *al-saba‘ al-mūbiqāt* tradition. However, the apparent (*ẓāhir*) meaning of this tradition, according to Ibn Ḥazm, is by no means that there are no more than seven grave sins. There could be others, if only another revealed text (*naṣṣ*) shows this.²¹ This is clearly the case, and Ibn Ḥazm continues to list examples. Sins number eight to twelve are (8) lying (*qawl al-zūr*), (9) perjury (*shahādat al-zūr*), (10) disrespect toward parents, (11) lying about the Prophet, and (12) exposing one’s parents to insult by insulting the progenitors of (other) people (*ta’rīḍu l-mar’i abawayhi li-l-subbi bi-an yasubba ābā’a l-nās*).

In addition, according to Ibn Ḥazm, one must be aware that grave sins are not always explicitly labeled as such in the Qur’ān and Sunna. In his own account, it took him “many years in which I have pondered this” to arrive at the conclusion that “everything for which God has threatened the Fire is a grave sin.”²² Somewhat reluctantly, Ibn Ḥazm here embraces the idea, already proposed by Ibn Ḥanbal (d. 241/855)²³ and Ibn ‘Aṭīyya (d. 383/993)²⁴ and later repeated by authors such as al-Ghazālī (d. 505/1111),²⁵ Ibn al-Jawzī (d. 597/1200)²⁶ and al-Dhahabī (d. 748/1348),²⁷ that all actions which revelation threatens with punishment in the hereafter must be considered grave sins, since all minor sins of believing Muslims are understood to be forgiven anyway. Unfortunately, Ibn Ḥazm does

¹⁹ *Risālat al-Talkhīṣ*, p. 88.

²⁰ The Ibn ‘Abbās tradition is missing from the canonical *ḥadīth* collections but can be found in ‘Abd al-Razzāq al-Ṣan‘ānī, *Muṣannaḥ*, ed. Ḥabīb al-Rahmān al-A‘zamī, Beirut 1970–72, vol. 10, p. 460, and in the works of later commentators. See also Abū Ṭālib al-Makkī, *Qūt al-qulūb*, Cairo 1310/1892, vol. 2, p. 148. Sometimes the number 700 (instead of seventy) is mentioned in the Ibn ‘Abbās tradition. See al-Ṭabarī, *Jāmi‘ al-bayān ‘an ta’wīl ay al-Qur’ān*, Cairo 1321/1903, vol. 5, p. 26; al-Zamakhsharī, *al-Kashshāf ‘an ḥaqā’iq al-tanzīl*, Calcutta 1856, p. 286. Cf. Stehly, “Un problème,” 169; E.E. Elder, “The Muslim Doctrine of Sins and Their Forgiveness,” *The Moslem World* 29 ii (1939), p. 181.

²¹ *Risālat al-Talkhīṣ*, p. 88.

²² *Risālat al-Talkhīṣ*, p. 90.

²³ See Henri Laoust, *La profession de foi d’Ibn Baṭṭa*, Damascus 1958, p. 100, n. 2.

²⁴ Quoted in Ibn Ḥajar al-Haythamī, *al-Zawājir ‘an iqtirāf al-kabā’ir*, Cairo 1356/1937–38, vol. 1, p. 5.

²⁵ Abū Ḥamid Muḥammad al-Ghazālī, *Iḥyā’ ‘ulūm al-dīn*, Beirut n.d., vol. 4, p. 17.

²⁶ Ibn al-Jawzī, *Zād al-masīr*, Damascus 1964–68, vol. 2, p. 66.

²⁷ Muḥammad b. Aḥmad al-Dhahabī, *K. al-Kabā’ir*, Beirut 1389/1970, p. 8.

not tell us why it took him many years to figure this out, but his initial hesitation is not without basis. First, the kind of inference that a grave sin is *implied* when revelation associates a certain type of action with hellfire may go against Ibn Ḥazm's *Zāhirī* principles of interpretation.²⁸ Second, the definition of grave sins as "everything for which God has threatened the Fire" does not take into account that minor sins may be committed by grave sinners, who might then be punished for both their grave and their minor sins.

Regardless of such speculation about Ibn Ḥazm's hesitation in this matter, once the principle is accepted that actions which revelation associates with punishment in the hereafter are by definition grave sins, naturally the list of grave sins expands greatly.²⁹ Ibn Ḥazm continues to enumerate grave sins in a somewhat haphazard fashion, although he has a tendency loosely to group actions together. He lists (13) unbelief, (14) ungratefulness for God's beneficence (*kufr ni'mat al-muḥsin*), (15) wailing, shaving the hair and tearing one's shirt (*kharq al-juyūb*) in funerary ceremonies, (16) defamation (*namīma*), (17) inattentiveness with regard to urine, (18) enmity among relatives (*qaṭī'at al-raḥim*), (19) [consumption of] wine, (20) inflicting pain on animals by slaughtering them in an unlawful way (*bi-ghayri l-dhakāt*), (21) letting one's loin cloth (*izār*) slip down in a gesture of self-conceit, (22) overemphasising one's good actions (*al-mannān bi-mā yaʿfalu min al-khayr*), (23) promoting one's commodity for sale by making vain promises (*al-munfiq sil'atahu bi l-ḥulf al-kādhīb*), (24) denying water to someone who is thirsty, (25) embezzlement [of booty?] (*ghulūl*), (26) pledging allegiance to rulers (*a'imma*) for material benefit (*lil-dunyā*) but then showing no loyalty towards them if they do not provide it, (27) usurping the right of a Muslim against one's oath (*al-muqtaṭi' bi-yamīnihi ḥaqqā 'mra'in muslim'in*), (28) deceiving one's subjects, (29) incorrectly claiming somebody as one's father, (30) running away from slavery, (31) unfaithfulness (*man ghalla*), (32) claiming possession of what one does not own, (33) cursing someone who does not deserve to be cursed, (34) [criticising?] some of the *aṣṣār*, (35) abandoning prayer, (36) abandoning *zakāt*, (37) hatred of 'Alī. Ibn Ḥazm concludes

²⁸ Cf. Goldziher, *Zahiriten*, p. 157, on Ibn Ḥazm's rejection of *qiyās* and *istidlāl* in dogmatics.

²⁹ In fact, in this view, every inhabitant of hell seen by the Prophet during his *mi'rāj* becomes a grave sinner. Cf. Christian Lange, *Justice, Punishment and the Medieval Muslim Imagination*, Cambridge 2008, pp. 105–106.

his list with two sins that the Qurʾān threatens with punishment in the hereafter: (38) illegal sexual relations and (39) brigandage (*ḥirāba*).³⁰

“With this,” says Ibn Ḥazm, “the correctness of what Ibn ʿAbbās has said is established.” Indeed, we are now closer to seventy than to seven, the middle between the two numbers being 38.5. What Ibn Ḥazm does *not* say, significantly, is that this list is complete. Indeed, there are a number of noticeable absences from Ibn Ḥazm’s list. As Asín Palacios noted, the late, disillusioned Ibn Ḥazm subjected all “inclinations of the heart” to sober and systematic legal reasoning, measuring them purely in terms of a person’s outer conduct.³¹ It is therefore not surprising, perhaps, to see that in his list of grave sins, Ibn Ḥazm selects traditions according to the *naḥkumu bil-zāhir* principle of jurisprudence: psychological sins, such as the act of thinking oneself safe from trials sent by God (*al-amn min makr Allāh*, cf. Q 7:99), despair of God’s help (*al-iyās min rawḥ Allāh*, cf. Q 12:87),³² or giving up on God’s mercy (*al-qunūt min raḥmat Allāh*), although a common element in other lists of grave sins, are largely missing from Ibn Ḥazm’s account.³³ Another area of grave sins which is rather underrepresented in Ibn Ḥazm’s list, somewhat surprisingly perhaps,³⁴ concerns sexual offences and what one might call the bohemian lifestyle of the medieval Muslim upper classes: Sodomy (*liwāt*), effeminate behaviour of men (*taḥannuth*), including dressing in silk or gold, fashioning images (*taṣwīr*), and gambling (*qimār*) all fail to make it onto the list.³⁵ Likewise, sins that are traditionally associated with women, such as obstinateness (*nushūz*),³⁶ are not mentioned. In sum, given its telling omissions, Ibn Ḥazm’s list does not exactly suggest a puritanical attitude. At any rate, its thrust is directed elsewhere.

³⁰ *Risālat al-Talkhīṣ*, pp. 89–90.

³¹ Asín Palacios, *Abenḥázam*, vol. 1, p. 85.

³² Dhahabī, *Kabāʾir* no. 69.

³³ Cf. Ṣaṇʿanī, *Muṣannaḥ*, vol. 10, p. 459; Ṭabarī, *Jāmiʿ*, vol. 5, p. 29. In this respect, Ibn Ḥazm is in line with the majority of Muslims of the early centuries, for whom sins, in van Ess’s formulation, were “Tatsünden” rather than “Gedankensünden.” It took a while for Muslim thinkers, such as the mystic al-Muḥāsibī (d. 243/857) and the Baṣrian Muṣṭafā, to discover psychological sins. See Josef van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra: Eine Geschichte des religiösen Denkens im frühen Islam*, Berlin 1991–97, vol. 4, p. 587. Cf. Stehly, “Un problème,” p. 171.

³⁴ Cf. Asín, *Abenḥázam*, vol. 1, pp. 222–223, for a characterisation of Ibn Ḥazm’s sexual “chastity” and misogyny.

³⁵ Cf. sins no. 17, 28, 44, 53 and 72 in al-Dhahabī’s *K. al-Kabāʾir*. It should be noted, however, that *liwāt* is mentioned later on in *Risālat al-Talkhīṣ*, p. 268. See also *Muḥallā*, vol. 1, p. 48.

³⁶ Dhahabī, *Kabāʾir* no. 42.

Indeed, Ibn Ḥazm's list reflects his own concerns just as much as those of the tradition. This is particularly conspicuous when he lists the grave sins of abusive rulers (nos. 4, 25, 27, 28, 32, 39) and of those who serve them (no. 26)—an echo of Ibn Ḥazm's contempt for the *reyes de taifa* and for scholars working in their service. The theme of "speaking the truth in the face of tyranny"³⁷ is further developed in the pages Ibn Ḥazm devotes to the "*fitna* in al-Andalus" in a later chapter in the *Risālat al-Talkhīṣ*. There, he unleashes a diatribe against "the lords (*mudbirūn*) of cities and castles all over our al-Andalus", whom he accuses of brigandage (*ḥirāba*) and "spreading corruption on earth" (*fasād fi l-arḍ*), of allowing their soldiers to rob the populaces under their control, of levying illegal taxes, or even empowering their Jewish subjects to act as tax-collectors, including of the hated *al-ḍarība*, *al-qaṭīʿ* and *al-qabāla* taxes.³⁸ To engage in commerce with such rulers is a sure ticket to hell: The money stolen from the people by the ruler, in the poetic imagination of Ibn Ḥazm, burns like hellfire in the ruler's palms, and when he passes it on as payment, it is transformed in the hands of those who receive it into the scorpions and snakes that inhabit the depths of Jahannam.³⁹ As Ibn Ḥazm sarcastically comments, the sultans of his day would convert to Christianity if they knew that Christianity authorises the consumption of, and trading in, wine.⁴⁰

However, despite Ibn Ḥazm's dislike of the political powers, grave sins are by no means the exclusive province of the tyrants of his day. As he notes in the *K. al-Muḥallā*, only the angels are free of sin.⁴¹ Even the saintly exemplars of old expressed great fear of divine retribution for grave sins, and if *they* had such qualms, then how much more should the average Muslim be afraid of hell! For instance, Ibn Ḥazm quotes al-Ḥasan al-Baṣrī (d. 110/728), who expressed the hope that he might be among

³⁷ To "speak the truth in the face of tyranny" (*kalimat ḥaqq ʿinda sultān jāʿir*) is one of the essential elements of "commanding right and forbidding wrong" (*al-amr bil-maʿrūf wal-naḥy ʿan al-munkar*). See Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge 2000, pp. 6, 39.

³⁸ *Risālat al-Talkhīṣ*, pp. 230–234.

³⁹ *Risālat al-Talkhīṣ*, p. 234. Ibn Ḥazm more fully explores the circulation of money tainted by illegitimate rule in a *fatwā* summarized in Asín Palacios, "Un código," pp. 32–44. See the discussion of this *fatwā* by Miquel Barceló, "‘Ruedas que giran en el fuego del infierno’: o, ¿para qué servía la moneda de los Taifas?", in idem, *El sol que salió por Occidente: estudios sobre el estado omeya en al-Andalus*, Jaén 1997, pp. 195–203. I owe this reference to Maribel Fierro.

⁴⁰ *Risālat al-Talkhīṣ*, p. 234.

⁴¹ Ibn Ḥazm, *Muḥallā*, vol. 1, p. 13.

those who are tortured in hell for 1,000 years and then let into paradise.⁴² Ibn Ḥazm declares himself to be afraid that his grave sins may have been more numerous than his good actions, and that he will have to rely on the intercession of the Prophet in order to achieve salvation, eventually to end up among those who are burnt in the Fire and then led out of it charred like bricks of charcoal, “troops following upon troops” (*fawj^{an} ba‘da fawjⁱⁿ*). “O brothers,” he exclaims, “how I wish that I were among them!”⁴³ Statements such as this one reflect what Asín Palacios calls the “ascetic” character of the *Risālat al-Talkhīṣ*.⁴⁴ Ibn Ḥazm does not go to such extravagant lengths as al-Dhahabī in the 8th/14th century, who counted seventy-five grave sins, or Ibn Ḥajar al-Haythamī in the 10th/16th century, who counted 467. But with his list of thirty-nine grave sins he adds significantly to Abū Ṭālib al-Makkī’s 4th/10th-century list of seventeen.⁴⁵ What is more, by enshrining the idea, later to become “classical,”⁴⁶ that actions threatened by tradition with hellfire must by definition be counted among the grave sins he invites further discussion of how sin is to be expiated, and thus salvation ensured.

2. REPENTANCE AND ITS VARIETIES

Even though his “brothers” have not asked about it specifically (*bi-ismihi*), Ibn Ḥazm feels compelled to devote a section of the *Risālat al-Talkhīṣ* to the issue of repentance (*tawba*).⁴⁷ Repentance is “one of the things that circumscribe (*yaḥuṭṭu*) the grave sins.”⁴⁸ As Ibn Ḥazm asserts, it has the power to wipe out all grave sins, and thus is the most straightforward way for the grave sinner to salvation.⁴⁹ But there are strings attached. First, repentance is a mutual relationship between the individual and God: God has to “grant” (*manaḥa*) it.⁵⁰ Second, repentance has to be sincere

⁴² *Risālat al-Talkhīṣ*, p. 161.

⁴³ *Risālat al-Talkhīṣ*, p. 160.

⁴⁴ Asín Palacios, “Un código,” p. 27.

⁴⁵ Makkī, *Qūt al-qulūb*, tr. Richard Gramlich, *Die Nahrung der Herzen*, Stuttgart 1992–95, vol. 3, pp. 215–224.

⁴⁶ Stehly, “Un problème,” p. 174.

⁴⁷ *Risālat al-Talkhīṣ*, pp. 268–276. A similar, but shorter exposé of this topic can be found in *Muḥallā*, vol. 1, pp. 48–49.

⁴⁸ *Risālat al-Talkhīṣ*, p. 268.

⁴⁹ *Risālat al-Talkhīṣ*, p. 133.

⁵⁰ This is a Qur’ānic idea. Cf. Uri Rubin, “Repentance and penance,” *Encyclopedia of the Qur’ān*, vol. 4, pp. 426b–427a: “It should be observed that there is a mutual dependence between God’s mercy, as conveyed by the verb *tāba*, and the believer’s repentance,

(*naṣūh*), and sincerity may not always be easy to determine. Third, other conditions (*shurūṭ*) apply: in particular, repentance differs according to the kind of sin committed.⁵¹ Specifically, Ibn Ḥazm distinguishes between four types of repentance.

The first type expiates for a core group of grave sins, those which God forbids in unequivocal terms, such as illegal sexual relations, drinking wine, *shirk* and the like. *Tawba* here consists of showing contrition (*nadam*) and seeking forgiveness from God (*istighfār*). In addition, one must practice abstention (*iqḷāʿ*) and not fall back into committing the sin, and there must be a clear determination (*iḍmār*) that one will not lapse. According to Ibn Ḥazm, there is consensus (*ijmāʿ*) that if such *tawba* is performed, grave sins are forgiven, however many of them may have been committed.⁵² Almost as an afterthought, Ibn Ḥazm adds that those who are punished with *ḥadd* punishments and then die in a state of Islam are also forgiven for the sin they have committed, “on the basis of the Prophetic *naṣṣ* (*bi-naṣṣ ḥadīth al-nabī*)”. Ibn Ḥazm refers here to the well-known *ḥadīth* that attributes to the Prophet the view that crimes such as *shirk*, theft, fornication and slander can be expiated by their earthly punishment.⁵³ This *ḥadīth* is not without its problems; jurists debated it at length. The Ḥanafis generally argued that the *ḥadīth* presupposes that repentance has *already* occurred in the culprit, while all other schools had a more mechanical understanding of the tradition, suggesting that it did not matter whether repentance takes place in addition to punishment.⁵⁴ Ibn Ḥazm, in the *K. al-Muḥallā*, sides with those arguing against the Ḥanafis in this matter, preferring to stick to the apparent (*ẓāhir*) meaning of the *ḥadīth*.⁵⁵ He also rules out the possibility that the *ḥadīth* is abrogated by another *naṣṣ*. As he explains, “it is a mercy from God (*faḍīla*) that our sins are expiated by *ḥadd*, and such acts of mercy cannot be abrogated because they are neither commands nor prohibitions, and abrogation only applies to these.”⁵⁶

which is conveyed by the same verb.” See further van Ess, *Theologie und Gesellschaft*, vol. 4, pp. 579–580.

⁵¹ *Risālat al-Talkhīṣ*, p. 133.

⁵² *Risālat al-Talkhīṣ*, p. 268. Cf. Ibn Ḥazm, *Marātib al-ijmāʿ*, p. 272.

⁵³ Bukhārī, *Imān* 11.

⁵⁴ Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century*, Cambridge 2005, p. 31.

⁵⁵ *Muḥallā*, vol. 11, pp. 124–126.

⁵⁶ *Muḥallā*, vol. 11, p. 124.

The second type of repentance concerns those who intentionally avoid performance (*ʿaṭṭala*) of the ritual obligations (*farāʾiḍ*) until their designated time has passed.⁵⁷ According to Ibn Ḥazm, there are different opinions about how one can redress such behaviour. Some say that one must perform the rituals at a later point in time, thereby making up for one's previous negligence.⁵⁸ The other opinion, which is followed by Ibn Ḥazm, is that the obligations cannot be fulfilled at a later time. God's command is to perform certain acts, such as prayer and fasting, at specifically designated times. To carry out these acts at a different time is to perform a completely different act. In consequence, only repentance remains as an option. Repentance in this case consists in showing remorse and pledging future abstention from intentionally avoiding the *farāʾiḍ*. However, in addition, one must perform supererogatory acts (*nawāfil*) and good deeds (*fiʿl al-khayr*). The exception to this rule are ritual obligations for which no timeframe is specified by God, in particular those which involve giving money, for example, *zakāt* and *kaffāra*. These, says Ibn Ḥazm, can be performed at any time.⁵⁹

Third comes repentance for acts of tyranny and injustice (*maẓālim*) such as taking away people's possessions, physically transgressing against them, injuring their honour (*sabb al-aʿrāḍ*), frightening them with threats of violence, and in general behaving tyrannically against them (*al-ifsād ʿalayhim*). *Tawba* here consists in returning the money that has been taken to its rightful owner or his heirs. If the money is returned to the living rightful owner, the sin is expiated. However, if it is returned to the heirs, only the sin committed against *them*, that is, usurpation of their property, is expiated, whereas the sin committed against the dead rightful owner remains unatoned, and more good acts have to be undertaken. If the heirs are unknown, the money must be given to the ruler, but only if he is just. If he is not, the money is to be spent on public welfare (*maṣāliḥ al-muslimīn*) because it has then become "money whose rightful owner is unknown".⁶⁰ As for the physical assault on a person, repentance consists in offering the victim a choice between retaliation and forgiveness.⁶¹ If the victim dies before this can happen, retaliation takes place on the Day

⁵⁷ *Risālat al-Talkhīs*, p. 270.

⁵⁸ According to the tradition in Bukhārī, *Mawāqīt* 37, those who forget to pray are simply encouraged to pray when they remember. However, this is different from intentional avoidance, which is what Ibn Ḥazm discusses here.

⁵⁹ *Risālat al-Talkhīs*, p. 270.

⁶⁰ *Risālat al-Talkhīs*, p. 270.

⁶¹ *Risālat al-Talkhīs*, p. 271.

of Resurrection, unless a great number of good acts are carried out to outweigh the sin. The same rule, says Ibn Ḥazm without providing further explanation, applies to the sins of injuring people's honour and frightening them with violence. As for all other tyrannical acts, *tawba* consists in abstention, remorse and seeking to undo the injury caused (*iṣlāḥ*).⁶²

Finally, there is repentance for homicide, the murder of a person whose life is sacrosanct (*qatl al-naḥsi llatī ḥarrama [sic] llāh*). This, according to Ibn Ḥazm, is "the most difficult sin to get out of" (*aṣ'ab al-dhunūb makhrāj^{an}*).⁶³ The murderer must offer the right of retaliation to the killed person's next of kin (*walī l-maqtūl*). If the *walī* retaliates, the murderer's sin is expiated. However, if he is forgiven, or has murdered more than one person, he must go to fight in *jihād* and seek to become a martyr. As Ibn Ḥazm states, "I have no hope that any other action will expiate what he has done."⁶⁴ As in the case of illegal usurpation of the possessions of others, Ibn Ḥazm rejects the idea that mere repentance for homicide in the *forum internum* is enough to atone for the sin; in sum, such offenses are more difficult to repent than the grave sins covered by the first type of repentance.⁶⁵ As for the *ḥadīth* about one of the Israelites (*Banū Isrā'īl*) who murders one hundred men, repents and finds forgiveness,⁶⁶ Ibn Ḥazm explains that it must be understood in its historical context. The Israelites were a people with different laws and rules for repentance, and therefore what is reported in the *ḥadīth* is inapplicable to Muslims.⁶⁷ Ibn Ḥazm gives another example: according to the Qur'ān (2:54), the *tawba* imposed by Moses on his followers for worshipping the calf consisted of

⁶² *Risālat al-Talkhīṣ*, p. 272.

⁶³ *Risālat al-Talkhīṣ*, p. 272.

⁶⁴ *Risālat al-Talkhīṣ*, p. 274.

⁶⁵ In the *Marātib al-ijmā'*, Ibn Ḥazm states that there is consensus about the fact that simple repentance before death is valid *except* for sins which require an act of repentance in the form of paying back money or undoing an act of tyranny (*mā lā yaḥṭāju fī 'l-tawba minhu illā daf' al-māl wa... mā laysa mazlama li-insān*). See Ibn Ḥazm, *Marātib al-ijmā'*, p. 272.

⁶⁶ Bukhārī, *Anbiyā'* 54.

⁶⁷ This demand for historical contextualisation of revelation is in line with Ibn Ḥazm's theory of language, which holds that the meaning of the language of the Qur'ān cannot be elucidated on the basis of earlier expressions of Arabic (such as *jāhili* poetry), since language evolves subject to God's decision to change the meaning of words. See Roger Arnaldez, *Grammaire et théologie chez Ibn Ḥazm de Cordoue: Essai sur la structure et les conditions de la pensée musulmane*, Paris 1956, pp. 73–76; Jessica A. Coope, "With Heart, Tongue, and Limbs: Ibn Ḥazm on the Essence of Faith," *Medieval Encounters* 6 i–iii (2000), p. 105f.

suicide, “and this is forbidden according to us.”⁶⁸ Ibn Ḥazm also speculates that the Israelite in question repented by conversion to Islam, in which case his new faith would have wiped out everything he had done in the state of unbelief. As he suggests, “at least this would be a possible *ẓāhir* meaning”.⁶⁹

3. COMPUTING SALVATION: GOOD AND BAD ACTIONS

Repentance being tied to a number of conditions, including, in some cases, the requirement for additional expiatory acts, the question naturally arises as to what happens if a Muslim dies unrepentant? Here is where the true focus of the *Risālat al-Talkhīs* lies, and Ibn Ḥazm is clear in his answer: Simple belief (*i’tiqād*) and its verbalisation (*nuṭq*) are not in themselves sufficient. Salvation can only be achieved through additional good works. As Ibn Ḥazm elaborates elsewhere, Iblīs knew and professed to God’s absolute power as Creator, and yet there can be no doubt that he is among the punished in hell. It was his refusal to perform works, that is, to prostrate himself before Adam, which led to his damnation.⁷⁰

The Qur’ān, though not exactly in favor of a *quid pro quo* approach to sins and good works,⁷¹ states that “good actions will drive away evil actions” (Q 11:114).⁷² Ibn Ḥazm understands this verse as a call to relentless activity in pursuing good deeds in order to thwart punishment for one’s sins in the hereafter. He paints a detailed and vivid picture of “that Day which will be as long as 50,000 years,”⁷³ when “the just Scales will be set up” (Q 21:47) in which humankind’s good actions will be weighed against the bad ones. “We ask God to protect us from the evil of that day,” he prays, and as if in an autobiographical note, he comments: “We are unable to endure one month of torture or long imprisonment at the hands of our enemies, so how [shall we endure the punishment] on that Day?”⁷⁴

⁶⁸ *Risālat al-Talkhīs*, p. 275.

⁶⁹ *Risālat al-Talkhīs*, p. 275.

⁷⁰ *Fiṣal*, tr. Asín Palacios, *Abenḥázam*, vol. 4, p. 103.

⁷¹ Fazlur Rahman, *Major Themes of the Qur’ān*, Minneapolis 1980, p. 109.

⁷² On the neutralisation of sins through good works (“Strafaufhebung”), a mechanism that the Mu’tazilites called *iḥbāt*, see further van Ess, *Theologie und Gesellschaft*, vol. 4, pp. 589–590. Richard Gramlich, *Muḥammad al-Gazzālī’s Lehre von den Stufen zur Gottesliebe*, Wiesbaden 1980, p. 109f., provides examples from the *ḥadīth* which support the idea.

⁷³ *Risālat al-Talkhīs*, p. 91.

⁷⁴ *Risālat al-Talkhīs*, p. 93.

Make no mistake, Ibn Ḥazm exhorts his readers, the weighing of good and evil actions will be done in the most meticulous fashion. Ibn Ḥazm quotes the Qurʾān to the effect that every action, “even if it be the weight of one grain of mustard-seed” (Q 21:47), will be used as evidence, so that the most minute deed can in the end tip the balance. “Then he whose deeds weigh heavy in the Balance shall inherit a pleasing life, but he whose deeds weigh light in the Balance shall plunge in the womb of the Pit” (cf. Q 101:6–9). Ibn Ḥazm here takes exception to a simplistic understanding of the *ḥadīth* that “if a person removes a thorny branch from the street, God will make that person enter the Garden.”⁷⁵ It is not, he explains, as if such a trifle action in itself ensures salvation; rather, the act of removing a thorny branch from the street may be that one act that will make the pan of good deeds weigh heavier than its opposite. One must therefore show great perseverance in pursuing the actions that wipe out or outweigh sins (*al-aʿmāl al-māḥiya aw al-muwāzina lil-sayyiʾāt*).⁷⁶ “Dear brothers,” he writes, “know that this matter is by God serious, and that the challenge before us is difficult, and that redemption is difficult except with God’s help and mercy on account of [our] good actions.”⁷⁷

Luckily, however, salvation by good works is made somewhat less onerous by a number of computational principles that Ibn Ḥazm inserts into the equation. First, there is what might be called the principle of leniency in the case of equilibrium. Arguably, there is a bit of ambiguity in the way in which Ibn Ḥazm talks about the state of the person whose scales are exactly equal and balanced on the Day of Judgment. The third of the “gifts” of God mentioned above is that those “whose good actions and evil actions are equibalanced (*istawat*), no additional evil action having been committed by them, are forgiven and will not be held responsible for anything they have done”.⁷⁸ Some pages onwards, however, Ibn Ḥazm sounds less full of promise and optimism. He suggests that “Muslims whose good actions and grave sins are equally balanced (*tasāwat*), and who do not have a single good action which makes them deserve God’s mercy, or who do not have a single bad action which makes them deserve [punishment]”, are confined to limbo (*al-aʿrāf*).⁷⁹ He then proceeds to quote the Qurʾānic *locus classicus* about the “people of *al-aʿrāf*”, who, “eyes turned

⁷⁵ Bukhārī, *Adhān* 32; Muslim, *Imāra* 164; Ibn Ḥanbal, *Musnad*, vol. 2, pp. 286, 404, 439, 521.

⁷⁶ *Risālat al-Talkhīṣ*, pp. 94–95.

⁷⁷ *Risālat al-Talkhīṣ*, p. 116.

⁷⁸ *Risālat al-Talkhīṣ*, p. 133.

⁷⁹ *Risālat al-Talkhīṣ*, p. 155.

towards the inhabitants of the Fire, shall say: Our Lord, do not assign us with the people of the evildoers" (Q 7:46–47). According to Ibn Ḥazm, there is "strong fear and great terror" among the people of *al-a'rāf*, "except that in the end they are saved (*al-ʿāqiba ilā salāma*)."⁸⁰ This is because only paradise and hell, but not *al-a'rāf*, are known to exist unto eternity, and since the people of *al-a'rāf* are not threatened with hellfire, by default they must eventually enter paradise. "O how I wish we were among this category [of people]!", Ibn Ḥazm exclaims, and he adds, in some tension with his previous pronouncement, "but I have no idea what works will make us join them—it will be [purely] on account of God's mercy."⁸⁰ Thus, in the end, the principle of leniency in the case of equilibrium of good actions and sins applies, but a measure of anxiety remains.

A second principle is therefore introduced. This is the fourth of the "five gifts": the principle of disproportional expiation. "God has revealed to us," says Ibn Ḥazm, "that a good action counts ten times (*al-ḥasana bi-ʿashar amthālīhā*),"⁸¹ in reference to Q 6:160: "Whoso brings a good deed shall have ten the like of it; and whoso brings an evil deed shall only be recompensed by the like of it." The idea here is that a good action, when put on the Scales, is miraculously made to weigh ten times as heavy. As Ibn Ḥazm elaborates in the *K. al-Muḥallā*, the mere intention to do a good action (*man hamma bi-ḥasana*) weighs as much as a corresponding sin; if the intention is actually carried out, "it is recorded as if it were ten." Conversely, to refrain oneself from perpetrating a sin (*man hamma bi-sayyiʿa fa-lam yaʿmalhā*) is counted as a good deed; if the sin is actually carried out it will be counted only once.⁸²

This, however, is not all, since on top of this, "God gives double measure to whom He pleases."⁸³ Indeed, the Qurʾān states that "whoso brings a good deed shall have better than it" (Q 28:84)—it does not specify, however, that the multiplying factor is ten, as does the previously quoted verse. A discussion thus ensues in the *Risālat al-Talkhīṣ* as to what types of good works weigh especially heavy on the Scales.⁸⁴ This allows Ibn Ḥazm to develop the outlines of a theory of moral action.

⁸⁰ *Risālat al-Talkhīṣ*, p. 155. Cf. Louis Gardet, *Dieu et la destinée de l'homme*, Paris 1967, pp. 333–334.

⁸¹ *Risālat al-Talkhīṣ*, p. 108.

⁸² *Muḥallā*, vol. 1, p. 18. Cf. Bukhārī, *Riqāʿ* 3; Ibn Ḥanbal, *Musnad*, vol. 1, p. 227, *passim*.

⁸³ *Risālat al-Talkhīṣ*, p. 134.

⁸⁴ In a similar way, Ibn Ḥazm later on discusses whether grave sins can be ranked according to severity, citing a number of *ḥadīths* about the "gravest of the grave sins" (*akbar al-kabāʾir*). See *Risālat al-Talkhīṣ*, pp. 238–250.

He first extols the salvific efficacy of ritual formulas such as *lā ḥawla wa-lā quwwa illā bi-llāh*, which is “one of the treasure of paradise,”⁸⁵ and *astaghfiru Llāh*, which the Prophet pronounced about one hundred times a day and which must not be said too fast, and whose non-performance is a sign of corruption of character (*fisq*).⁸⁶ On the whole, Ibn Ḥazm seems extremely keen on formulas like these. He quotes a *ḥadīth* to the effect that the pronounciation of *subḥān Allāh*, *al-ḥamdu li-llāh*, *lā ilāha illā Llāh* and *Allāhu akbar* is equal in value to giving alms (*ṣadaqa*).⁸⁷ The *tahlīl* in particular is enjoined upon Muslims and may, if necessary, be performed with closed lips by moving only the tongue, so that interlocutors will not take notice.⁸⁸ Muslims should also hasten to recite *qul huwa Llāhu aḥad*, preferably in every *rakʿa*, for “this will make you enter paradise” and is in fact as good as reading a third of the entire Qurʾān.⁸⁹

Great is the generosity of God, Ibn Ḥazm argues, because He has given Muslims such an easy means to accumulate credit for the Final Reckoning: no great intellectual or physical effort is required to pronounce these formulas.⁹⁰ However, “we do not say this,” Ibn Ḥazm is quick to add, “to restrict things to this alone, without asking for performance of copious other good works.”⁹¹ Next follow the basic ritual acts (*farāʿid*) of prayer,⁹² *zakāt*,⁹³ fasting,⁹⁴ and pilgrimage.⁹⁵ Ibn Ḥazm devotes a few passages to the various types of each of these ritual obligations. Suffice it to note here that he recommends a golden mean, a “mild asceticism,”⁹⁶ in the

⁸⁵ *Risālat al-Talkhīṣ*, p. 110.

⁸⁶ *Risālat al-Talkhīṣ*, pp. 113–115.

⁸⁷ *Risālat al-Talkhīṣ*, p. 104. Cf. Ibn Ḥanbal, *Musnad*, vol. 5, p. 168.

⁸⁸ *Risālat al-Talkhīṣ*, p. 124.

⁸⁹ *Risālat al-Talkhīṣ*, p. 123.

⁹⁰ *Risālat al-Talkhīṣ*, p. 115.

⁹¹ *Risālat al-Talkhīṣ*, p. 115.

⁹² *Risālat al-Talkhīṣ*, pp. 123, 127–131, 166.

⁹³ *Risālat al-Talkhīṣ*, p. 128.

⁹⁴ *Risālat al-Talkhīṣ*, pp. 167, 169.

⁹⁵ *Risālat al-Talkhīṣ*, pp. 176, 178.

⁹⁶ For this concept, see Nimrod Hurvitz, “Biographies and Mild Asceticism: A Study of Islamic Moral Imagination,” *Studia Islamica* 85 (1997), pp. 41–65; Ignaz Goldziher, *Introduction to Islamic Theology and Law*, tr. A. and R. Hamori, Princeton 1981, pp. 119–127. The same principle also underlies Ibn Ḥazm’s *K. al-Akhlāq wal-siyar*, his “philosophical ethics” (ed. and tr. Nadia Tomiche, *Épître morale (=Kitāb al-aḥlāq wal-siyar)*, Beirut 1961). In fact, the *K. al-Akhlāq* can be seen as a close companion of the *Risālat al-talkhīṣ*: the latter contains Ibn Ḥazm’s moral teachings based on revealed knowledge about the otherworld (*al-ākhirā*), while the former gives ethical guidance to promote well-being and happiness (*saʿāda*) in this life (*al-dunyā*). Cf. George F. Hourani, “Reason and Revelation in Ibn Ḥazm’s Ethical Thought,” *Islamic Philosophical Theology*, ed. Parviz Morewedge, Albany 1979, pp. 142–164. Ibn Ḥazm is not the only 5th/11th-century author to think along the lines of such a “dual

performance of these obligations: alms-giving is encouraged, but not if it results in poverty and destitution;⁹⁷ the maximum one should fast is every other day, but everything that goes beyond this is sin and transgression;⁹⁸ people should read the Qurʾān avidly, preferably once every month, but never in as little as three days.⁹⁹ In answer to the question whether prayer, fasting or giving alms is the “best supererogatory act” (*afḍalu l-nawāfil*), Ibn Ḥazm expresses the personal opinion that charity in the form of profit-yielding *waqf* (*al-ṣadaqa al-jāriya fī thimār al-arḍīn*)¹⁰⁰ is preferable to supererogatory prayer and fasting. He also relates the opinion of Ibn ‘Abbās that prayer takes precedence over fasting, but he disagrees on the basis that “there is no revealed text from the Prophet about this.” As he concludes, “I prefer that Muslims devote themselves to each of these [three] in part, even if it be little, because this is no doubt better for them than to engage in only one of them and neglect the other [two].”¹⁰¹

4. IBN ḤAZM’S MORAL TOPOGRAPHY OF THE HEREAFTER

Having reached this point in the discussion in his *Risālat al-Talkhīṣ*, Ibn Ḥazm announces that the question of the hierarchy of good works has preoccupied him for a long time (*madā dahr ṭawīl*) and that therefore he has compiled, on the basis of the Qurʾān and the authentic *ḥadīth* (*al-ḥadīth al-ṣaḥīḥ*), a treatise (*faṣl*) about the “levels of realities in the Eternal Abode” (*marātib al-ḥaqāʾiq fī dār al-qarār fī l-ākhirā*). This treatise is not known to exist in separate transmission. Ibn Ḥazm reproduces its basic contours in the *Risālat al-Talkhīṣ*.¹⁰²

The hereafter, according to Ibn Ḥazm, is divided into three hierarchically arranged realms: the realm of dominion/power (*mulk*), the realm of elevation/exaltation (*ʿuluww*), and the realm of priority/privilege (*sabq*).¹⁰³ The latter, closest to God, comprises three levels: The level of scholars who teach people their religion (*ʿālim yuʿallimu l-nās dīnahum*), followed

ethics”; see the *K. Adab al-dunyā wal-dīn* of al-Māwardī (d. 450/1058) (the most recent edition is the one prepared by Muḥammad Jāsim al-Ḥadīthī, Baghdad 2008), and books 22 (*K. Riyāḍat al-naḥs*) and 40 (*K. al-Mawt wa-mā baʿdahu*) of al-Ghazālī’s *Iḥyāʾ ʿulūm al-dīn*.

⁹⁷ *Risālat al-Talkhīṣ*, p. 178.

⁹⁸ *Risālat al-Talkhīṣ*, p. 169.

⁹⁹ *Risālat al-Talkhīṣ*, p. 117.

¹⁰⁰ I am grateful to Yaacov Lev for clarifying the meaning of this expression to me.

¹⁰¹ *Risālat al-Talkhīṣ*, pp. 219–220.

¹⁰² *Risālat al-Talkhīṣ*, p. 135. The summary of this “*faṣl*” runs pp. 135–166.

¹⁰³ *Risālat al-Talkhīṣ*, p. 135.

Priority, privilege (<i>sabq</i>)	1	Scholars	<i>m. ‘alim yu‘allimu l-nās dīnahum*</i>	Intimacy and nearness (<i>al-zufā wa-l-qurba</i>)
	2	Just rulers	<i>m. al-ḥākim al-‘ādil</i>	
	3	Mujāhids	<i>m. al-mujāhid fī sabīl Allāh</i>	
Exaltation, elevation (<i>‘uluww</i>)	4	Sinless pious Muslims	<i>m. al-ḥuzwa wa-l-qurba</i>	Fear and terror (<i>al-khawf wa-l-hawl</i>)
	5	Sinless Muslims	<i>m. al-fawz wa-l-naġāt</i>	
	6	Repentant sinners	<i>m. al-salāma ma’a l-ghurūr (1)</i>	
	7	More good than bad deeds	<i>m. al-salāma ma’a l-ghurūr (2)</i>	
Dominion, power (<i>mulk</i>)	8	Equibalance of deeds	<i>al-A’rāf</i>	
	9	More bad than good deeds	<i>m. nush (?) wa-miḥna wa-baḥiyya</i>	
	10	Unbelievers	<i>m. al-suḥq wa l-bu’d wa l-halaka al-abadiyya</i>	

*m. = martabat

Figure 1. Ibn Ḥazm’s moral topography of the hereafter

by the level reserved for just rulers (*ḥākim ‘ādil*) and the level for “those fighting in the path of God” (*al-mujāhid fī sabīl Allāh*). The “privilege” (*sabq*) of these exemplary figures, besides residing in close vicinity to God in the hereafter, is twofold. First, at Judgment, all three will be credited with the good actions of those whom they have benefitted in their lives: to the religious scholar’s credit go the good actions of those he taught, to the just ruler the good actions of those flourishing “in the shade of his justice and security of his government,” and to the *mujāhid*, the good actions of those he helped to convert to Islam. Second, all three will be allowed to take their loved ones into paradise with them.¹⁰⁴

Ibn Ḥazm is not specific as to how many of the following levels comprise the “realm of elevation/exaltation”, but for reasons of symmetry, it can be assumed that he counts four. The first level in the “realm of elevation/exaltation” is that of “grace and nearness” (*al-ḥuzwa wal-qurba*), which is reserved for those believers who avoid grave sins, and perform the ritual obligations (*farā’iḍ*) and supererogatory acts of devotion.¹⁰⁵ Then follows the level of “triumph and salvation” (*al-fawz wal-naġāt*) for those who avoid grave sins and perform the *farā’iḍ*, but not the supererogatory acts.¹⁰⁶ People in these two levels resemble the people of the “realm of priority/privilege” in so far as they need not fear the punishment in the hereafter. Consequently, Ibn Ḥazm calls these first five levels the “levels of intimacy

¹⁰⁴ *Risālat al-Talkhīṣ*, p. 149.

¹⁰⁵ *Risālat al-Talkhīṣ*, p. 151.

¹⁰⁶ *Risālat al-Talkhīṣ*, pp. 153–154.

and nearness [to God]" (*marātib al-zulfā wal-qurba*),¹⁰⁷ thereby introducing another taxonomy, based on psychological factors, into his model.

Next in the "realm of elevation/exaltation" come the two levels of "salvation despite conceit" (*al-salāma ma'a l-ghurūr*). The first of these is for those who commit grave sins but are granted repentance from God; the second houses those who commit grave sins and do not repent, but whose good deeds outweigh their evil actions. Unlike the first five levels, these two levels are characterised by their ability to inspire fear and even terror (they are *mukhawwif wa-hā'il*).¹⁰⁸

This leaves us with the realm of God's "dominion/power", which comprises three levels. The first one, says Ibn Ḥazm, is that of *al-a'rāf*, that is, of those whose good and evil actions outbalance one another. As outlined above, this is a level of "strong fear and great terror," even though in the end its inhabitants achieve paradise.¹⁰⁹ The next level is that of "trial and affliction" (*miḥna wa-baliyya*), in which reside those Muslims whose grave sins weigh heavier on the Scales than their good actions.¹¹⁰ Ibn Ḥazm goes into some detail in describing the tortures and punishments that the inhabitants of this level will suffer, "inasmuch as they deserve it on account of what they have done." The final and lowest level is that of "depth and distance [from God]" (*al-suḥq wal-bu'd*). Here dwell the unbelievers, and there is eternal punishment for them in the depths of Jahannam.¹¹¹

The model developed by Ibn Ḥazm is strikingly original. Not only does he do away with the usual heptalogical structure, so typical of the Muslim eschatological imagination, which speaks of the seven layers or "doors" (*abwāb*) of heaven and hell,¹¹² he also transcends the common dichotomy of the Garden/the Fire (*al-janna/al-nār*) by dividing the hereafter not into two but into *three* realms. This suggests that in his view there is no facile either/or, no comfort for Muslims in the promise that paradise is for them, and hell for all the others. The unbelievers, for Ibn Ḥazm, are a lost cause anyway; he barely mentions them at all in his model of the "realities" of

¹⁰⁷ *Risālat al-Talkhīs*, p. 153.

¹⁰⁸ *Risālat al-Talkhīs*, p. 154.

¹⁰⁹ *Risālat al-Talkhīs*, p. 155.

¹¹⁰ *Risālat al-Talkhīs*, pp. 155–165.

¹¹¹ *Risālat al-Talkhīs*, 165–166.

¹¹² Jane Idleman Smith and Yvonne Yazbeck Haddad, *The Islamic Understanding of Death and Resurrection*, Oxford 2002, pp. 10–11. Cf. now Christian Lange, "The 'Eight Gates of Paradise'-Tradition in Islam: A Genealogical and Structural Study," *Roads to Paradise*, eds. Sebastian Günther and Todd Lawson, Leiden: Brill [forthcoming].

the hereafter. What counts, for him, are the many gradations of faith, the many shades of good and evil between the faultless *‘ālim* at the top of his moral hierarchy and the Muslims at its bottom whose unrepented grave sins outweigh their good deeds and thus land them in hell, albeit temporarily. His topography of the hereafter is a moral and psychological, not a spatial and temporal, one.

The ninth level in Ibn Ḥazm’s model, as mentioned, receives by far the most extensive commentary from him. The terrifying spectre of punishment in hell is painted in visceral detail. This is somewhat uncharacteristic, given Ibn Ḥazm’s otherwise rather sober approach; he tends to stress, for example, that paradise is unlike anything experienced on earth. In the image Ibn Ḥazm paints of hell, sinners are force-fed with the bitter fruit of the Zaqqūm tree, they imbibe the substance called *al-ghislīn*, wear iron collars around their necks, are dragged around on their faces by the myrmidons of hell, and everytime their skin is burned to shreds they are given a new one “so that they may taste the torture.”¹¹³ However, here is where the fifth and final of God’s “gifts” to humankind comes into play:

It is for these people that the Intercession has been reserved, including those who have no other means (*wasīla*, i.e. of salvation), or never did a good deed except to believe in, and profess, the religion of Islam (*i’tiqād al-islām wal-nuṭq bihi*), or never desisted from an evil action short of unbelief.¹¹⁴

It should be noted, however, that Ibn Ḥazm does not talk at any length in the *Risālat al-Talkhīṣ* about intercession, with the exception, that is, of this passage. Similar to belief, which in Ibn Ḥazm’s account appears like the mere prerequisite for salvation from (temporary) punishment, *shafā’a*, which cannot be earned, only received as an act of grace, does not speak to the purpose of his epistle, which is didactic: it seeks to reform morals.

In regard to the topic of *shafā’a*, the *K. al-Muḥallā* is only marginally more eloquent.¹¹⁵ Ibn Ḥazm first quotes the Throne Verse to the effect that nobody can intercede with God except by His permission (Q 2:255). He then quotes two Prophetic *ḥadīths*: “Every prophet pleads for his community (*umma*), but I have reserved my plea (*ikhtabā’tu da’watī*) to be an intercession on behalf of my community on the Day of Resurrection.”¹¹⁶ This restricts the power of *shafā’a* in the hereafter to the Prophet of Islam,

¹¹³ *Risālat al-Talkhīṣ*, p. 165. Cf. Q 54:48, 74:26 and *passim*.

¹¹⁴ *Risālat al-Talkhīṣ*, p. 165.

¹¹⁵ *Muḥallā*, vol. 1, p. 16f.

¹¹⁶ Bukhārī, *Tawḥīd* 31; Muslim, *Īmān* 334.

to the exception of all other prophets. The second *ḥadīth*, also well known, makes the point that *shafā'a* occurs on behalf of the grave sinners, usually after they have been punished for some time in hell.¹¹⁷ In the *K. al-Fiṣal*, Ibn Ḥazm refutes the Mu'tazila's and Khārijites' denial of intercession for unrepentant grave sinners by claiming that the Qur'ān leaves room for the idea, despite some verses which seem to indicate the opposite.¹¹⁸ There is only one type of intercession that is impossible according to Ibn Ḥazm, and this is intercession on behalf of unbelievers.¹¹⁹ For Muslim believers, there are two types: One takes place on the Day of Judgment, when the Prophet Muḥammad will be given "an honourable place" (Q 17:79) in the divine court of justice; the other type applies to Muslim grave sinners after they have suffered temporary punishment in hell.¹²⁰

5. CONCLUSIONS

As my discussion of the contents of the *Risālat al-Talkhīṣ* has shown, Ibn Ḥazm approaches soteriology by focussing on the performance of praise-worthy actions and condemnable sins, while the question of correct belief is not at the centre of his attention. This choice results naturally from Ibn Ḥazm's definition of faith (*īmān*), which stresses works in addition to inner belief (*i'tiqād*) and the public profession (*nuṭq*) of belief. Ibn Ḥazm's most extensive discussion of *īmān* occurs in the *K. al-Fiṣal*.¹²¹ As against the Ash'arites, who stress the inner belief dimension, and the Ḥanafī-Māturīdīs, who propagate a combination of both *i'tiqād* and *nuṭq*,¹²² Ibn Ḥazm insists that revelation, the only guide for him in this matter, makes works an essential component of faith, not just something that reflects

¹¹⁷ Muslim, *Īmān* 320.

¹¹⁸ See, for example, Q 74:48: "The intervention of those who make *shafā'a* will not avail them." The Mu'tazilites and Khārijites allowed for *shafā'a* only as "an extra act of favour" (*faḍl*) for sinners who have already repented. See A.J. Wensinck/D. Gimaret, "Shafā'a", *Encyclopaedia of Islam*. New Edition, vol. 9, p. 178b; Arent J. Wensinck, *The Muslim Creed: Its Genesis and Historical Development*, Cambridge 1932, p. 180f.; van Ess, *Theologie und Gesellschaft*, vol. 4, pp. 546–549.

¹¹⁹ *Fiṣal*, tr. Asín Palacios, *Abenházam*, vol. 4, p. 225.

¹²⁰ *Fiṣal*, tr. Asín Palacios, *Abenházam*, vol. 4, p. 225.

¹²¹ *Fiṣal*, tr. Asín Palacios, *Abenházam*, vol. 4, pp. 93–114. Cf. Goldziher, *Zahiriten*, pp. 126–131.

¹²² *Fiṣal*, tr. Asín Palacios, *Abenházam*, vol. 4, p. 93f. Cf. Gardet, *Dieu et la destinée de l'homme*, pp. 361–364.

faith or complements it.¹²³ He bases this argument on the observation that the Qurʾān speaks of faith that increases or decreases (e.g., Q 48:4, 9:125).¹²⁴ Now, says Ibn Ḥazm, this makes only sense if one includes works in the definition of faith because “belief cannot be counted or quantified.”¹²⁵ One cannot believe “more or less”—either one has belief or one does not have it. Only “external actions” can be quantified and counted, as is the case with the number of prayers one performs, the amount of alms one gives, or indeed the number of sins one perpetrates.¹²⁶

Louis Gardet has characterised the dominant “orthodox” view of the nature of faith in Islam as an “intériorisation exigeante:” inner belief (*al-taṣdīq bi-l-qalb/bi-l-ʿaql*) is paramount; outward expression is the external sign of *īmān*; works “perfect” faith.¹²⁷ In Ibn Ḥazm’s view of faith, emphasis is put on that which is “exacting” rather than that which is “interiorized.” The *Risālat al-Talkhīṣ* time and again stresses that one must perform works—and of course avoid sins, a difficult challenge that results in a very real fear of hell.

This sense of anxiety could be mitigated, one might think, by the Qurʾānic promise that sins will be forgiven as long as no grave sins are committed. However, in Ibn Ḥazm’s account in the *Risālat al-Talkhīṣ*, this is a rather unrealistic prospect. For one, there are far too many grave sins to allow for an easy escape, and their true number remains worryingly undetermined. At one point Ibn Ḥazm quotes Ibn ʿAbbās as saying that “in the days of the Prophet, we counted among the *mūbiqāt* acts that to you would seem of less weight than a hair.”¹²⁸ One should also recall that even the saintly figures of the early centuries of Islam (such as al-Ḥasan al-Baṣrī) openly avowed that they had sinned, and Ibn Ḥazm does much the same in his epistle. True repentance, he affirms, can wipe out all sins, but like avoidance of grave sins, it fails to take place more often than not. The difficult demand for complete sincerity and the copious supererogatory acts of devotion required in the performance of *tawba* limit its scope

¹²³ See Coope, “With Heart, Tongue, and Limbs,” p. 106f.: “The *K. al-Īmān* [of the *K. al-Fiṣal*] strongly supports the...theory...that *īmān* is made up of belief, profession, and works together, and places particular emphasis on works, at times giving works precedence over belief or profession.”

¹²⁴ The Murjiʿites-Ḥanafis rejected the idea that faith was liable to increase or decrease. See Wensinck, *Muslim Creed*, pp. 45, 125.

¹²⁵ *Fiṣal*, tr. Asín Palacios, *Abenḥázam*, vol. 4, p. 100.

¹²⁶ Cf. Hermann Stieglecker, *Die Glaubenslehren des Islam*, Paderborn 1962, p. 576.

¹²⁷ Gardet, *Dieu et la destinée de l'homme*, p. 385.

¹²⁸ *Risālat al-Talkhīṣ*, p. 115. See Bukhārī, *Riḳāq* 32; Ibn Ḥanbal, *Musnad*, vol. 3, pp. 3, 157, *passim*.

in significant respects. *Tawba*, in Ibn Ḥazm's take, is more about performing the right expiatory actions (*kaffārāt*) than *metanoia* of the sinner in the *forum internum*.

Up until here Ibn Ḥazm's theory, then, displays a marked suspicion that hell is a very real prospect for Muslims, an attitude which might seem in tension with the traditionalist or "orthodox" Sunnī position.¹²⁹ However, the balance is redressed by the three principles of cancellation of evil actions by good ones, leniency in the case of equilibrium, and disproportional expiation. The prospect of the Prophet's intercession (*shafā'a*), on the other hand, occupies a back seat in the *Risālat al-Talkhīṣ*. It seems to function primarily to distinguish between the Muslim sinners in hell, who suffer temporary punishment, and the unbelievers, whose torments in Jahannam are of the eternal sort. Here is where Ibn Ḥazm, while like them stressing the importance of works, disagrees with the Mu'tazila and the Khārijites: According to him, those who do not do acts of faith and perform grave sins are not unbelievers, as the Mu'tazila consider possible and the Khārijites affirm. Such an inference, Ibn Ḥazm argues, is illicit in the absence of a clear revelation from God to this effect. Nowhere in the Qur'ān or *ḥadīth* is it stated that those who fail to perform the acts of faith or commit grave sins become unbelievers; rather, Ibn Ḥazm maintains, such people have "imperfect faith" (*nāqiṣ al-īmān*). In the end, after a purgatory sojourn in hellfire and by the *shafā'a* of the Prophet, they gain access to the lower levels of the Garden.

Other aspects of the *Risālat al-Talkhīṣ* deserve to be mentioned at the end of this study, but here this can be done only in passing. Ibn Ḥazm's list of thirty-nine sins and his enumeration of virtues reflect his times and personal concerns, whether he is lashing out against the corrupt rulers of al-Andalus or praising the behaviour of 'ulamā' who "teach the people their religion" rather than serving the powers-that-be or retreating into otherworldly aloofness. His extensive reflections about whether sins and good actions of unbelievers have any soteriological effect after their conversion to Islam (are their former sins wiped out completely, their good works credited to them?) will be of interest to those studying Ibn Ḥazm's relationship with other religious communities and creeds.

¹²⁹ Recall the words of Ignaz Goldziher, *Die Richtungen der islamischen Koranauslegung*, Leiden 1920, p. 160, who spoke of the "pure optimism" ("der reine Optimismus") of Islamic "orthodoxy" in this regard.

In conclusion, Ibn Ḥazm's eschatology reflects an overriding ethical concern for correct action. The moral topography of the hereafter developed in the *Risālat al-Talkhīṣ* demonstrates this point in a most original fashion. Being a Muslim, for Ibn Ḥazm, is not about a simple choice between belief or unbelief, although this choice must also be faced—but only as the *conditio sine qua non* which helps the Muslim to earn salvation. The path to paradise, however, is not straightforward. Muslims must learn how to distinguish between the many gradations of good and evil action. By bringing the hereafter to mind constantly, they must educate themselves to lead a moral life. The otherworld (*al-ākhirā*), in this perspective, acquires an almost modern continuity with life on earth (*al-dunyā*): its relevance lies less in the fact that it makes promises and threats for a distant future but rather, in its power to inform the here and now.¹³⁰ This may go some way in explaining the ongoing popularity of Ibn Ḥazm, whose views about sins and salvation resonate across the centuries.

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¹³⁰ Cf. Smith/Haddad, *The Islamic Understanding of Death*, p. 141, quoting Sayyid Quṭb in Aḥmad Fā'iz's *al-Yawm al-akhīr fī zilāl al-Qur'ān*, Beirut 1975, p. 187: "The hereafter is a reality in the Muslim lives, not a distant promise."

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PART VI

INTERRELIGIOUS POLEMICS

THE TESTIMONY OF REASON AND HISTORICAL REALITY: IBN ḤAZM'S REFUTATION OF CHRISTIANITY

Samuel M. Behloul

INTRODUCTION

Polemical literature has a long tradition in Islam. In fact, to be exact, it is as old as the Islamic religion itself. The oldest witness, and at the same time the first source of Islamic polemics against Jews and Christians, can be seen in the holy scripture of the Muslims, the Qur'ān. According to the Qur'ān, it was not Muḥammad's mission as a Prophet to found a new religion. His mission was far more consciously placed in close relationship to the earlier revelations (Judaism and Christianity). As W.C. Smith emphasizes it, Muḥammad's prophecy was "delivered to the Arabs as a reformulation not primarily of their own, idolatrous, religious tradition but of the tradition of Christians and Jews, which in Muslim eyes needed reforming."¹

The Arabic prophet Muḥammad saw his mission as a confirmation and, at the same time, as a correction of the two earlier revelations. On the one hand, the Qur'ān underlines in clear terms that his mission was a continuation of the revelations given previously by his predecessors Moses and Jesus, and that he confirmed in his presentation—by God's command—the truth of Jesus' prophecy, in the same way Jesus had done by following in the steps of Moses as a prophet.² Then again, on the other hand, the Qur'ān does not leave any doubt that Muḥammad's mission as a prophet was seen as a correction of post-Mosaic Judaism and of post-Jesus Christianity.

The main criticism that the Qur'ān leveled against the Jews and the Christians, refers to the conscious falsification of the Torah by the Jews and the Gospel by the Christians. Altogether, one can read in four places in the Qur'ān about the accusation of the falsification (*tahrīf*) of the

¹ Wilfred Cantwell Smith, *The Meaning and End of Religion. A new approach to the religious traditions of mankind*, New York 1963, p. 108.

² Q 3:3–4.

original and as authentically received word of God.³ Besides *taḥrīf*, there are another five terms used in the Qurʾān and referring to the issue of the falsification of the Bible by the Jews and the Christians, namely *tabdīl* (*baddala* = to replace: Q 2:59; 7:162), *kitmān* (*katama* = to conceal, to keep secret: 2:42; 2:140; 2:146; 2:159; 2:174; 3:71; 3:187), *labs* (*labasa* = to cover something with something else, or to make dark: 2:42; 3:71), *layy* (*lawā* = to twist something the wrong way, to turn over, to turn around: 3:78; 4:46); *niṣyān* (*nasiya* = to forget: 7:165; 5:13; 7:53; 5:14).

However, there was no complete agreement among Muslim scholars about this matter: especially concerning what the 'distortion' (*taḥrīf*) exactly was about, a textual falsification (*taḥrīf al-naṣṣ*), or a false interpretation of the text, i.e. twisting a meaning the wrong way (*taḥrīf al-maʿnā*). In the first century after Muḥammad, Muslim religious scholars were generally of the opinion that the text had intentionally been falsified by the Jews and the Christians (*taḥrīf al-naṣṣ*). However, the majority of later scholars were of the opinion that with *taḥrīf* was meant a false interpretation of the text (*taḥrīf al-maʿnā*).

One of the earliest representatives of this opinion was al-Qāsim ibn Ibrāhīm (d. 860).⁴ Then later, famous representatives of the false interpretation theory were the following: Fakhr ad-Dīn al-Rāzī (d. 1210), Ibn Sīnā (d. 1037) and Ibn Khaldūn (d. 1406).⁵ Concerning this question, the great teacher of Sunnī Islam, Ibn Taymiyya (d. 1328), took the role of an intermediary. In respect of various rulings and statements of the Bible, he spoke about false interpretation. Concerning certain historical statements of the Bible, he assumed that there was textual falsification.⁶ Looking at the matter in a general way, the majority of Muslim scholars were of the opinion that the thesis concerning *taḥrīf* would be a false interpretation (*taḥrīf al-maʿnā*).

One of the most essential attributes of the Muslim polemic against Christianity, is the criterion that the scriptural and theological contents of a religion, which claims to be in possession of the universal truth, must be in alignment with the generally known and accepted human knowl-

³ Cf. Q 2:27; 4:46; 5:13; 5:41.

⁴ On him, see Wilferd Madelung, "Al-Qāsim ibn Ibrāhīm," *Christian-Muslim Relations. A Bibliographical History. Volume 1 (600–900)*, eds David Thomas and Barbara Roggema, Leiden 2009, pp. 540–543.

⁵ Cf. Robert Caspar and Jean-Marie Gaudéul, "Textes de la tradition concernant le *taḥrīf* (falsification) des Ecritures," *Islamochristiana* 6 (1980), pp. 65–78, 90–92.

⁶ Cf. Erdmann Fritsch, *Islam und Christentum im Mittelalter. Beiträge zur Geschichte der muslimischen Polemik gegen das Christentum in arabischer Sprache*, Breslau 1930, p. 57.

edge. One of the other main arguments put forward in this connection was that the scientific and the socio-cultural progress of a society relies on the rationality of its religion. In this respect, in the context of the early 'Abbāsid polemics against Christianity, Muslim scholars saw, for example, a causal connection between the scientific and cultural decline of Byzantine society and its acceptance of the Christian religion. Christians were generally seen by Muslim scholars as enemies of philosophy and of rational thinking, and on the other hand, Muslims were seen, due to the rationality of their religion, as worthy inheritors of Greek philosophy. It was the Arab historian, al-Mas'ūdī (d. 956), who later in the 10th century, stated his view towards the Byzantines, that "sciences continued to be in real demand and intensely cultivated until the religion of Christianity appeared among the Byzantines; they then effaced the signs of philosophy, eliminated its traces, destroyed its paths, and they changed and corrupted what the ancient Greeks had set forth in clear expositions."⁷

IBN ḤAZM ON CHRISTIANITY

Unique "Selling Point" in the Context of Islamic Polemical Scripture

The Islamic religion as the original and only genuine one (*religio naturalis*), whose contents are in absolute harmony with the real world and natural processes, appears in Ibn Ḥazm's polemical work as a logical and historical correction of the contents of the Gospels and other post-biblical scriptures. The corrective function of the Qur'ān in Ibn Ḥazm's polemic against Christianity is closer to the question of the authenticity of the tradition and the truth about the apostles, the origin of Jesus and about the correct conditions of God's relationship with the world which He created. The assertion of a constitutive relationship of the ratio-adequateness of a religion and its socio-political position, which was an essential aspect of the Muslim polemic against Christianity over the centuries, manifests itself also in the polemical work of Ibn Ḥazm.

Ibn Ḥazm, in many ways, holds a special position within the context of Islamic polemic towards the scriptures of the Bible. He did not only belong to the few Muslim scholars who were of the view that the text of the Bible

⁷ Dimitri Gutas, *Greek Thought, Arabic Culture. The Graeco-Arabic Translation Movement in Baghdad and Early Abbasid Society (2nd–4th/8th–10th centuries)*, London and New York 1998, p. 89.

had been falsified. As a representative of the Muslim apologetic/polemic towards the scriptures, he towered above all others of earlier times, firstly, in respect of his knowledge of the Biblical texts,⁸ as well as concerning the intenseness of his analysis and aggressiveness of his language.⁹ Secondly, he was the only Muslim scholar who treated the central area of the Muslim polemic towards the Bible, namely the question of falsification, in such a systematic way and to such a great extent.¹⁰

Ibn Ḥazm had originally written his polemic against the Bible in a separate tract entitled, "The Revealing of the Changes, which were made by the Jews and the Christians in the Torah and the Gospels." Today, the text is no longer available in an independent form, but only as a part of Ibn Ḥazm's famous work, *Kitāb al-Faṣl fī l-mīlāl wa-l-ahwā' wa-l-niḥāl* (*The Book of the Final Appraisal of the Religious Confessions, Religious Communities and Sects*). In the *Kitāb al-Faṣl* the polemic against Christianity was taken up with a long title, in which not only Ibn Ḥazm's main reproach against the Jews and Christians is manifested, but also his appraisal concerning the texts of the Torah and the Gospel is already expressed in advance: "The chapter about the obvious contradictions and about the clear lies in the book, which the Jews call the Torah, and also in their other books, as well as in the four Gospels, whereby their falsification and text amendments are certainly verified, from what can be concluded that these scriptures are not what God—powerful and majestic is He—had given as a revelation."¹¹

THE STRUCTURE OF IBN ḤAZM'S REFUTATION OF CHRISTIANITY

There are generally considered to be two reproaches that Ibn Ḥazm raises in his polemic against Christian scripture: either the content of this scripture stands in irreconcilable contradiction to the fundamental principles of common sense,¹² or it cannot be authenticated by any consistent tradition or supported by reliable transmitters.

⁸ Cf. Camilla Adang, *Muslim Writers on Judaism and the Hebrew Bible. From Ibn Rabban to Ibn Ḥazm*, Leiden 1996.

⁹ Cf. Jean Marie Gaudeul, *Encounters & Clashes. Islam and Christianity in History* 1–2, Rome 1990.

¹⁰ Cf. Ignaz Goldziher, "Über Muhammadanische Polemik gegen Ahl al-Kitāb," *Zeitschrift der deutschen morgenländischen Gesellschaft* 32 (1878), pp. 341–387.

¹¹ Ibn Ḥazm, *Kitāb al-Faṣl fī l-mīlāl wal-ahwā' wal-niḥāl* 1–4, Cairo 1904, vol. 2, p. 116.

¹² At the very beginning of his *faṣl* against Christianity Ibn Ḥazm unmistakably and relentlessly stresses the following: "And indeed, for anyone who is in possession of even a

Ibn Ḥazm proceeds to develop his systematic argumentation against the divine authorship of the texts of the four Gospels on three main levels: a) historical circumstances, b) logical proofs, c) natural-scientific factual knowledge.

a) *The Historical Circumstances of the Emergence of the Four Gospels*

For Ibn Ḥazm it is clear from the outset that the Christians are not by any means in possession of an authentic revelation. Interestingly, he takes his very first argument against the divine authorship of the Gospels from the mouths of Christians themselves:

They all agree, from the Arians, the Nestorians, the Jacobites, the Maronites to the Orthodox, that the four stories (*tawārikh*) in question here [i.e. the four Gospels] were authored by four men.¹³

In addition to the witness of Christians themselves, Ibn Ḥazm calls on two other pieces of historical evidence that speak clearly, in his view, against the authenticity of the Gospels. Ibn Ḥazm's interpretation of the falsification was that its roots also lay in the development of the early Christian community during the time between the death of Jesus and the public recognition of Christianity in 313 AD as the state religion of the Roman Empire under Emperor Constantine the Great. In the first three centuries, as Ibn Ḥazm stresses, Christians were persecuted and put to death for their beliefs. Consequently, it was not possible for them to practise their belief in public, but only in secrecy. Under such circumstances it would have been impossible for Christians to have protected the original authentic word of Jesus from falsifications and uncontrolled interpolations, which subsequently would have led to an irretrievable loss of the authentic word of Jesus.¹⁴

According to Ibn Ḥazm, a further historical proof that the Gospel texts were not the authentic word of Jesus at the time of the political acceptance of Christianity by Constantine manifests itself in the fact that Constantine himself professed Christianity only many years after his official public recognition of Christianity as the state religion of the Roman Empire. Even Constantine himself must have seen that such Gospel texts were not rationally supportable, and that was the reason for him holding

little common sense there is no any doubt at all that their religion (i.e. the religion of the Christians) is wrong." *Faṣl*, vol. 2, p. 2.

¹³ *Faṣl*, vol. 2, p. 2.

¹⁴ Cf. *Faṣl*, vol. 2, p. 4f.

back in making an official personal statement accepting Christianity. He then only confirmed this for political and pragmatic reasons, and as it then seemed advisable and favourable. However, he never followed the official teaching of the Church with reference to the godliness of Jesus out of personal conviction, but followed rather the teaching of Arius, who regarded Jesus not as God but as a human being and prophet. Ibn Ḥazm considers such facts as the witness of the Christians themselves to the human authorship of the Gospels, the politically unfavourable circumstances in which Christianity developed in its first three centuries, and the way Constantine the Emperor converted to Christianity to be sufficient historical evidence clearly contradicting any claim of the Gospels to be the authentic word of God.¹⁵

The link drawn by Ibn Ḥazm between the quality of the content of the Gospels and the conversion of Emperor Constantine to Christianity gains additional relevance in the context of Ibn Ḥazm's polemic against Christianity when, at the end of his writing, he contrasts the conversion of the Arab tribes to Islam against Constantine's conversion to Christianity. The aura and persuasive power of the authentic revelation of Islam had an overwhelming effect on the Arab tribes. These, in fact, without any pressure from outside and despite the particulars of their origins, had associated themselves with the message of the Prophet Muḥammad within a very short time.¹⁶

Apart from the self-witness of Christians on the authorship of the Gospels, the circumstances surrounding the social and political development of early Christianity and the way in which Emperor Constantine converted to Christianity, Ibn Ḥazm adduces a fourth item of historical evidence against the authenticity and divine authorship of the four Gospels: the invoking by Christian scholars of Old Testament writings as the basis for the authenticity and continuity of biblical revelation. In Ibn Ḥazm's view this is absurd, because—he argues—"we have [...] already made clearly evident the invalidity of the sources of those books. We have also shown clearly that, due to the amount of lies they contain, they are falsified."¹⁷

Ibn Ḥazm refers here to his earlier demonstrated distortion of the Torah and the Jewish scriptures. The Christians, he asserts, not only refuse to limit themselves to invoking an already distorted source, but distort

¹⁵ Cf. *Faṣl*, vol. 2, p. 5.

¹⁶ Cf. *Faṣl*, vol. 2, pp. 84–85.

¹⁷ *Faṣl*, vol. 2, p. 6.

that even further. As proof, Ibn Ḥazm mentions the discrepancies in the chronologies of Gen. 5:3–32 and in the Jewish Torah and in the Christian 'Torah.' In contrast to the Jewish Torah, the chronicling of the age of the world in the Christian 'Torah,' according to Ibn Ḥazm's comparison, results in a surplus of 1350 years.¹⁸ The worthlessness of the Christian tradition, and thus also of the entire Christian faith, is all the more outrageous, in the view of Ibn Ḥazm, when the Christians falsify writings that had already been falsified by the Jews.

For Ibn Ḥazm it is therefore clear from the beginning that the four Gospels are falsified books. For that reason he also stresses at the start of his anti-Christian creed that "we need no proof that both the Gospels and the other books of the Christians are neither of God (...), nor of the Messiah (...),"¹⁹ but are rather "lies, deception and invention."²⁰

Despite the overwhelming body of evidence brought forward at the beginning of the polemic against the historical authenticity of the Gospels, Ibn Ḥazm spared no effort in the course of his work to reduce the contents of the Gospels *ad absurdum* regarding their plausibility, even with regard to the smallest detail. The style and word choice of his polemic at first arouse the impression that Ibn Ḥazm must have been driven by an ardent and irrepressible hatred of other religious communities.²¹ But when one considers that Ibn Ḥazm on the one hand carries on through the entire *Faṣl* with the same semantic severity against dissenting doctrines within Islam,²² and on the other hand calls for his Muslim co-religionists to foster relationships with Christians and Jews,²³ the question of the actual purpose and target of his sharp and unsparing polemics against the Christians arises. To explain this apparent asymmetry between Ibn Ḥazm's perception of Christianity on the one hand and Christians on the other, a pair of questions must be asked: a) is Ibn Ḥazm's mode of thinking and reasoning based on a consistent method, which is then expressed in his criticism of the Gospels? And b) how may Ibn Ḥazm's criticism of the Gospels be

¹⁸ *Faṣl*, vol. 2, p. 7f.

¹⁹ *Faṣl*, vol. 2, p. 2.

²⁰ *Faṣl*, vol. 2, p. 5.

²¹ In view of Ibn Ḥazm's choice of words in his *Faṣl* against the Jews, Lazarus-Yafeh refers to "almost anti-Semitic terms." Cf. Hava Lazarus-Yafeh, *Intertwined Worlds. Medieval Islam and Bible Criticism*, Princeton 1992, p. 66.

²² According to Petrof, Ibn Ḥazm's sharp-tongued language while he was alive had provoked the byword "the sword of Ibn Ḥajjāj and the pen of Ibn Ḥazm"; cf. D.K. Petrof, "Abu Muhammed Ali Ibn-Ḥazm-al-Andalusī. Tauq al-hamama," Ignaz Goldziher, *Gesammelte Schriften*, Hildesheim 1970, vol. 5, p. 340.

²³ Cf. Adang, *Muslim Writers*, p. 255.

contextualized within the socio-political conditions of the time in which he lived? Simply put, what we are concerned with here is the question of the 'how' of Ibn Ḥazm's thought and the 'why' of his polemic against the Christian scriptures.

IBN ḤAZM'S METHOD FOR ESTABLISHING THE TRUTH

Ibn Ḥazm was one of the most effective and powerful representatives of the Zāhiri school, which only gave validity to the wording of the Qur'ān and *Ḥadīth* and vehemently defended them against allegorical meanings as well as against the argument by analogy (*qiyās*) in the context of jurisprudence. On the other hand, he also belonged to the history of the reception of Aristotelian philosophy in Islam, in that he—like some other Muslim scholars of earlier and later times—considered only Aristotelian logic as the valid criterion for a differentiation between truth and falsehood. Ibn Ḥazm presented his examination and analysis of Aristotelian thought in his book *al-Taqrīb li-ḥadd al-manṭiq wa-l-madkhal ilayhi bi-l-alfāz al-ammiyya wa-l-amthila al-fiqhiyya* (*The Approach to the Definition of Logic through the General Terms and by the Examples of Jurisprudence*).

The very aim of Ibn Ḥazm in this book, as it follows from the title, was to make the principles of Aristotelian logic generally understandable. According to Brunschvig, this was an entirely new idea up to that time in the history of the Muslim adoption of Greek philosophy.²⁴ This was firstly based in Ibn Ḥazm's conviction of an indissoluble connection between true revelation and the logic of common sense. Secondly, Ibn Ḥazm felt himself forced to correct the image of Aristotle that was dominant in his time, which was on a scale from complete rejection and enmity to absolute belief in its authority,²⁵ so that the high-level potential of Aristotelian logic to enlighten the people could be shown.²⁶ Thirdly and finally, with the help of the newly-defined criterion for the clear differentiation

²⁴ Cf. Robert Brunschvig, *Études d'islamologie* 1–2, Paris 1976, p. 308.

²⁵ Cf. Ibn Ḥazm, "al-Taqrīb li-ḥadd al-manṭiq wa-l-madkhal ilayhi bi-l-alfāz al-ammiyya wa-l-amthila al-fiqhiyya," *Rasā'il Ibn Ḥazm al-Andalusī* 1–4, ed. Iḥsān 'Abbās, Beirut 1983, vol. 4, pp. 98–100.

²⁶ Ibn Ḥazm, "Taqrīb," pp. 100–101.

between truth and error, the false doctrines of religious communities within Islam²⁷ as well as outside Islam, shall be entirely refuted.²⁸

To judge from the challenge that motivates it, the *Taqrīb* clearly has a methodological, platform-based character. It is here that Ibn Ḥazm discusses and submits the correct principles of logical reasoning and presentation of evidence that are later to be deployed in his confrontation both with religious groups within Islam and with Judaism and Christianity. And indeed, Ibn Ḥazm refers to this treatise in other later writings, such as in *al-Iḥkām*²⁹ and also in the *Faṣl*. He comes right out at the beginning of the first volume to speak of the *Taqrīb*: "We have already clearly expounded on this subject in our book called *taqrīb fī ḥudūd al-kalām* (...),"³⁰ and then again: "We have already warned against these arguments in our books, which we have summarized under *fī ḥudūd al-manṭiq*."³¹

The Affirmation of the Visible World

The programmatic nature of the *Taqrīb* for the later religious polemics of Ibn Ḥazm is clear when one views the thematic complexes that he pays special attention to in his elucidations of Aristotelian logic. Based on the *Isagoge*, Porphyry's brief introduction to Aristotle's *Categories*, Ibn Ḥazm initially pursued the goal of determining the universal characteristics of human thought on the acquisition of knowledge and in distinguishing between right and wrong. Since the human mind depends entirely on sensory perception in the acquisition of knowledge, any rational reflection on God and the world, according to Ibn Ḥazm, must remain subject

²⁷ Ibn Ḥazm describes the relevance of logic for a correct understanding of the revelation and, in that context, for preserving the harmony among Muslims as follows: "The one, who does not know it (i.e. logic) remains hidden from the structure of God's word and of His prophets' words. Finally, the controversy over it (i.e. the real structure of God's word) makes such a person unable to make a clear difference between what is a controversy and what is the truth, so that he therefore knows his religion only as a imitation (*taqlid*)." Ibn Ḥazm, "Taqrīb," p. 95.

²⁸ "For everyone, who aims at dealing with different views, religions and religious groups the knowledge of these books (i.e. Aristotelian logic) is indispensable." Ibn Ḥazm, "Taqrīb," p. 102.

²⁹ Ibn Ḥazm, *al-Iḥkām fī usūl al-aḥkām* 1–5, ed. Aḥmad Shākir, Cairo, n.p., n.d.

³⁰ Ibn Ḥazm, "Taqrīb," p. 4.

³¹ Ibn Ḥazm, "Taqrīb," p. 25. Further references to the *Taqrīb* in the *Faṣl* can be found in vol. 5, p. 70 and in vol. 5, p. 128. For more details about the dating of the *Taqrīb* see Samuel M. Behloul, *Ibn Ḥazm's Evangelienkritik. Eine methodische Untersuchung*, Leiden 2002, pp. 33–37.

to two basic pre-conditions: a) affirmation of reality as it is presented by the intellect and the senses, and b) clear separation of the Creator from the reality He created.³²

By accentuating these two conditions Ibn Ḥazm not only rejected clearly every kind of scepticism and speculation in the philosophical field; he also rejected any form of allegorical interpretation of the revelation and the representation of God, as he finds for example among the Christians, as contrary to the universal constitution of human thought. It is this, the basic character of the Aristotelian world view, with its affirmation of the visible world that Ibn Ḥazm absorbs: the total turning towards the experiential reality that one can see, hear, touch, taste and smell. Ibn Ḥazm will ultimately include this basic stance in his polemic against the scriptures of the New Testament: to read and to interpret the word of the Gospel—this applies also to the Qurʾān and the Torah—as it is presented to the eyes and not to investigate it as a symbolic-allegorical expression for something else, something hidden; and to verify the truthfulness of its message against phenomena from the world at large that are accessible to the senses and hence, to common sense.

THE OTHERNESS OF GOD

Ibn Ḥazm sets the affirmation of the visible world as the real world and the separation of God from this world in a complementary relationship to each other. For him this is important insofar as the correct understanding of the world is the prerequisite for a proper understanding of God. The categories of human thought are indeed, as Ibn Ḥazm unequivocally emphasizes, not suited to capture God in His absolute otherness, but they do offer the discerning soul the opportunity to describe creation in its diversity and limitations, and thus, from this world in all its varied circumstance, to recognise God as completely other.

The emphasis on the proper understanding of the created world as a necessary pre-condition for the proper understanding of God now has the

³² "Know, that there is no existence for any other reality but for the creator and his creation. The creator is the one, the first and the infinite. However, as far as creation is concerned, it manifests in manifold forms (...). The creation is divided into two parts (...): something, which exists in itself carrying something other. We call it the substance (*jawhar*). And something, which exists not in itself but necessarily is carried by something other. We call accident. As far as the Creator is concerned, he is neither a carrier of something nor carried by something (...)." "Taqrīb," p. iii.

consequence, firstly, that the relationship between words and the things they describe—i.e. establishing the relationship between the designation and what is designated, as they exist in the created world—be determined correctly. For if God is entirely different to the world created by Him, the question arises as to how such names for God as 'the All-knowing' or 'the Living' that occur in the Qur'ān are to be understood, as these names describe finite properties. In other words, how is it to be understood that a created and finite being such as Man is described as 'living' and 'knowing,' when his Creator bears such appellations?

In Aristotle's reflections on the three types of relations (homonymy, synonymy and paronymy), which he undertakes in his *Categories*, Ibn Hāzm also sees the basis for answering the important theological question of how and with what words one can or indeed may describe God. From the Aristotelian representation of different referential relations between words and things, it logically follows for Ibn Hāzm that the description of Man as living and the description of God as living cannot be spoken of in one and the same way. Whilst the names of genera and species of the same genera present them in the nature of their properties and condition and clearly delimit their relationship to each other, the same names, related to God, have no predictive value related to His essence. Man, who observes growth and decay in nature, beholds the orderliness of the cosmos and sees in it one true Creator; not as what He is, however, but only as He is revealed in His work. Only for that reason is Man allowed to call Him a living God, a creating God, etc. The other names may only be used as proper names in relationship to him, and only insofar as they occur in the Qur'ān.³³

THE UNITY OF GOD

Although Ibn Hāzm repeatedly stressed the idea that human reason contemplating the cosmos and the processes of nature must necessarily infer the existence of one God, he elaborated additionally even a mathematical proof for the necessary acceptance of a single God. This proof he sees to be based in Aristotle's writings on quantity in the sixth chapter of his

³³ "The names for God, that occur in the text (i.e. the Qur'ān) are proper names only, by no means derived from something. As far as properties of God's activity are concerned they are derived from His acts, such as shaping life, ending life, and the like. Those acts are accidents that occur in His creation, not in Himself." "Taqrīb," p. 136.

Categories. Here Aristotle examined the seven main quantities: number, line, surface, body, time, place and speech. In Ibn Ḥazm' discussion of quantity, which by the same token is also erected on the seven main descriptors named, he deliberately excludes number. Ibn Ḥazm treats number not as one of the seven main descriptors of quantity, but as the quantity itself. From his perspective, this is necessary to establish a logical consistency in the theological approach to the unity of God. Ibn Ḥazm initially establishes the relationship of the number to the other quantities such that the volumes and surfaces of the mentioned quantities are determined by the number itself.³⁴ He then defines the number as "two, three, four, and that which is greater,"³⁵ while the number one does not fall into the category of numbers but is regarded as a principle. Ibn Ḥazm justified the number one not being a number by the fact that any other number "yields up another number that it is equivalent to. The number one, however, has no number that it would be an equivalent of, for if you divide it, it is not subsequently one, but only a fraction (of one)."³⁶

These deliberations were conducted by Ibn Ḥazm not merely for the sake of arithmetic, but in order to lead to the central theological insight that "the One, the Truth in reality is the Creator, the principle of all Creation, and that it is neither a number, nor is counted, but that it is all Creation that is counted."³⁷

The logical view of the visible universe in terms of its quantitative characteristics must therefore necessarily lead to the adoption of a single God who, as the principle and the absolute founder of the world *par excellence*, is beyond being quantified in space and time. The cosmos created by Him, however, given its extent in space and time determined by numbers, is indeed limited, partial and changeable and, as a consequence of this fact, ultimately transitory. It is obvious that Ibn Ḥazm, supported by this line of reasoning, will later reduce the Christian doctrine of the Trinity *ad absurdum*. In Aristotle's writing on categories Ibn Ḥazm sees not only the correct foundation for determining the kinds and modes of the created world via a method that is universally logical and thus acceptable to common sense; he also sees the inevitable logical means to describe even

³⁴ "The assignment of a number to a body is determined by the surface of the body, for each body in the world possesses a surface which is quantitatively measurable as big or small. Thus, the surface is a number following from the scale of a body (...)." "Taqrīb," p. 146.

³⁵ "Taqrīb," p. 149.

³⁶ "Taqrīb," p. 153.

³⁷ "Taqrīb," p. 153.

the Creator correctly in his relationship to the created world. Although the categories are not suited to establishing statements on the ultimate 'how' of the Creator, for Ibn Hāzīm they are nonetheless a natural indicator for the 'fact' of the Creator and an absolutely indispensable and universally valid logical corrective to all statements about the Creator that bring the Creator into an impermissible proximity to his Creation. The latter represents one of the central reproaches of Ibn Hāzīm against Christian theology.

VISIBILITY AS THE ONLY CRITERION OF TRUTH

To the modes of existence of things (i.e. in nature and in the discerning soul) postulated by Aristotle in the first two texts of his *Organon* (*Isagoge* and *Categories*), two more are added in *De Interpretatione*: language and text. Here, too, Ibn Hāzīm follows Aristotle and defines language as a medium based on convention to describe existing things. For Ibn Hāzīm, no language—and this applies equally to Arabic as the language of revelation—takes precedence over other languages. The conventional medium, which speaking people avail themselves of, is in fact composed of linguistic signs. Although these differ from language to language and are subject to change by the agreement of grammarians, the underlying meanings in all languages are nonetheless the same. It is now the task of logic, through the analysis of the visible signs of language—and only these—to ascertain the meanings arising from their expression and to verify their validity.³⁸

Linguistic expressions refer solely to the external appearance of existing things and describe them as such. Therefore, as soon as the language or the text in its description of nature differs from the prevailing laws of nature interpretable by common sense or even stands in contradiction to those laws, it must be held to be an untruth. The search for an ostensible inner and true meaning that is hidden behind the linguistic sign is superfluous, for with his powers of cognition, as well as of perception and articulation, man is completely dependent on the exterior of things and on linguistic signs. Based on this universal dependence of human perceptual and cognitive powers on the visible world, Ibn Hāzīm also establishes his fundamental argument, whereby no truth can stand in opposition

³⁸ "Taqrīb," p. 187.

to another truth. What is true in one field of knowledge may not prove to be false in a different field of knowledge. Ibn Ḥazm made this basic argument explicit in the second part of his *Taqrīb*, in the commentary on the *Analytica posteriora* (*Posterior Analytics*), the sixth book of Aristotle's *Organon*. The ability to acquire *a priori* (*bi-awwal 'aqlihi*) and *a posteriori* (*bi-l-ḥiss mu'addī ilā l-nafs bi-tawassuṭ al-'aql*)³⁹ knowledge is a necessity to all healthy people. "For it is the act of God (...) in the soul and it [the soul] is forced by necessity to do it [i.e. forced to such a concretisation of knowledge]."⁴⁰ This cognitive predisposition, however, is "not of the type that would be found [only] in some souls, without being in others, but is present in the souls of all those who possess the power of judgement and who have not been afflicted by any injury."⁴¹ Accordingly, no one who knows himself to possess sound judgement can explain the obvious contradiction of his views to an ostensibly different kind of truth that is dressed merely in symbols.

In Ibn Ḥazm's theory of cognition we will seek in vain a pluralism of human knowledge. The epistemological equality of all men in terms of their dependence on sensory perception necessarily leads in Ibn Ḥazm's view to the following binding law of cognitive faculty for all men: "It is impermissible that a truth may be truer than another truth and that a falsehood may be falser than another falsehood."⁴²

THE LOCATION OF ARISTOTELIAN LOGIC WITHIN IBN ḤAZM'S SYSTEM OF THOUGHT

Undoubtedly the most striking thing about Ibn Ḥazm's attempt to mediate Greek logic and Islamic theology is his view of logic as a universal, not bound to the particular spiritual-cultural heritage of a distinct culture, criterion for the distinction between truth and falsehood. Since man as a species has been bestowed by God with the gift of reason, he is obliged, both in everyday use as well as in religious affairs, to use this talent as a tool. For Ibn Ḥazm, logic does not constitute an alien body of ideas that would harmonise only with the Islamic revelation, but a tool that the Creator, by an act of grace, has placed at the disposal of all peoples. They are

³⁹ "Taqrīb," p. 285.

⁴⁰ "Taqrīb," p. 286.

⁴¹ "Taqrīb," p. 286.

⁴² "Taqrīb," p. 288.

all by necessity dependent on it, regardless of their language, culture, etc., to distinguish between right and wrong, good and evil.

The teaching and learning of logic, as well as the application of its principles, thus represents not only an act pleasing to God, but a religious duty (*farḍ*), fulfilment of which leads to otherworldly reward.⁴³ Ibn Ḥazm's plea for logic even has a missionary component, when for example he calls on those who know and understand the logical writings of the *Organon* to call others to the study of logic and to explain its content to people in open squares and busy streets.⁴⁴

Ibn Ḥazm follows the main features of the ontological realism of Aristotle in his reception of Aristotelian logic. To it, however, he adds the theology of creation aspect of the Islamic revelation: true existence belongs only to the Creator and his creation. There is definitively no third way of existence. And even if there were, man, due to his faculties of perception, would not be in a position to apprehend them. This unconditional "yes" to observable reality also corresponds for Ibn Ḥazm to a fundamental "yes" to the human intellect and sensory powers. With the help of both capabilities man has been made able by God to grasp the reality around him correctly and to infer the existence of one God.

The tremendous force of affirmation and commentary that Aristotelian logic reveals to Ibn Ḥazm appears with an almost astounding intensity. In the context of the reception of Aristotelian thought observed in Islam, Ibn Ḥazm appears to drive home a fourth way of receiving Aristotle by Muslim scholars. Regardless of whether logic is rejected totally, harmonised carefully with revelation, or received enthusiastically by individual scholars—all three of these classic responses in the history of the relationship of Islamic scholars to the philosophical heritage of antiquity have one approach in common, namely: Aristotle is and remains the "Other," that for the one true to his faith is dangerous to oppose [orthodoxy]; for another, enthusiastically to be assimilated [*Mu'tazila*]; and for another, to be harmonized with revelation in a gradual and cautious attempt [*Ash'ariyya*]. Ibn Ḥazm, however, neither presides over the choice of "Aristotle or the Qur'ān?" nor agonizes over the question of the "how" of a *modus vivendi* as frictionless as possible between logic and revelation. His devotion to Aristotle is not marked by an either-or thinking, but aims rather to galvanize

⁴³ "Taqrīb," p. 98.

⁴⁴ "Taqrīb," p. 101.

his contemporaries and co-religionists to recall something of their own vested interest in the legacy of the Islamic revelation itself.

Ibn Ḥazm sees the fundamental evil in previous modes of reception of Aristotelian logic in Islam in its polarising effect on the Islamic *umma*. To completely resolve this problem, Ibn Ḥazm attempts in his *Taqrīb* to abrogate for once and for all the autonomy or the singularity of the philosophy underlying the recent Muslim forms of reception of Aristotelianism. Namely, philosophy and theology may not remain differing approaches to reality, each autonomous and following systemic rules of their own. Two different paths to the one and the same truth cannot exist, in Ibn Ḥazm's system of thought. For if one path is true, then the other path, though it may share many similarities with the first, must necessarily be wrong. In Ibn Ḥazm's embracing of Aristotle, therefore, one finds not an attempt at harmonizing the two competing and self-sufficient world views, but rather a strategic engagement of an independent system of thought for apologetic and polemical purposes.⁴⁵ His reception of logic is rather a kind of memory process. The intent is to remind the feuding Muslims of al-Andalus that the principles of the healthy human mind are perfectly reflected in their religion—and only in their religion, as he will later demonstrate in his *Faṣl*.

If only from his selective reception of Aristotelian writings,⁴⁶ it can be seen that Ibn Ḥazm shares in neither the total rejection of, nor the faith in, the authority of Aristotle shown by some of his Muslim predecessors and contemporaries regarding the scale of Aristotle's philosophy. For him it is—to put it rather pointedly—not even the person of the historical Aristotle that stands at the centre. What is contained in logic, as Ibn Ḥazm paraphrases and summarises his approach, is true. It is true not because Aristotle said it to be true, but because reason states it to be so. Reason may so state it, in turn, because God in creating Man enabled reason through an act of grace and placed it at the disposal of Man. As such, Ibn Ḥazm's view, reason may not now stand in the path to faith or even threaten it. On the contrary, it merely confirms the timeless and unchanging truth of

⁴⁵ Al-Kindī, for instance, too emphasizes that only the Islamic revelation may offer the truth but in his reception of Greek thought, philosophy remains an independent discipline as a useful tool for fighting for the unity of God against the dualists, cf. Gerhard Endress, "Der arabische Aristoteles und die Einheit der Wissenschaften im Islam," *Die Blütezeit der arabischen Wissenschaft*, eds. Heinz Balmert und Beat Glaus, Zürich 1990, p. 13f.

⁴⁶ Ibn Ḥazm focuses on Aristotelian logic exclusively and does not pay any attention to his writings on metaphysics.

Islamic revelation, by meditating on the reality created by God and visible in a natural way. It is not Aristotle who is here the authority, but only the eternal, immutable and universally valid word of God.

POLEMIC AGAINST THE GOSPELS

The most important logical premise concerning the differentiation between what was true and false, which Ibn Ḥazm takes from Aristotelian logic, verifying at the same time his Zāhirī standpoint, is the affirmation of the visible world, its created nature, and the clear difference between God and the created world. This theory of knowledge, postulated in his *Taqrīb*, made Ibn Ḥazm consistent to the last detail, in respect of his examination of the four Gospels. The content of the Gospels, without any exception, must be read just as they are presented to the eye—not as a symbolically allegorical way of expression for something else, i.e. behind which is something hidden—and then this must be measured against the universal criterion of differentiation between truthfulness and falseness.

As mentioned earlier, there are two general reproaches that Ibn Ḥazm leveled against the contents of the four Gospels in his anti-Christian polemic. Either the scriptures cannot be authenticated by any consistent tradition supported by reliable gospels, or they stand in irreconcilable contradiction to the fundamental principles of common sense. While the problem of the body of lore is explained by the specific conditions of the development of early Christianity and the texts on which the Gospels are based that were already falsified by the Jews (Torah), far more serious to Ibn Ḥazm was the fact that the content of the Gospels fails to withstand even a simple review by common sense. The body of Christian tradition presents not only a historical but also a logical and philosophical problem. From the latter serious theological consequences when it actually comes to statements about God and his relationship to the created world.

Ibn Ḥazm begins to discuss the content of Christian doctrine in his *Taqrīb*, and indeed in his commentary on Aristotle's *Posterior Analytics*. With a view to his refutation of Christianity, it is instructive that the content of Christian doctrine may be rebutted not only by the corrective of the Islamic revelation, but even before that by the universally valid premises of human reason. Ibn Ḥazm demonstrates this in the *Taqrīb* using the example of the central dogma of Christianity, the doctrine of the Trinity. Here again he takes his above-mentioned comments on the relationship of the number to the other main quantities, according to which the

number one cannot be a number, since it is not composed of parts as are the other numbers. His reasoning is thus: "The three is a number and the number is composed of its parts, which are equivalent to the whole. You (i.e. the Christians) have now claimed that the number one is a three, so it must be composed of parts that are entirely equivalent to the number three? (...). Since this is impossible, it must be thus true that it is not so composed (...) and that it is no number three."⁴⁷

Schematic Structure of Ibn Ḥazm's Polemic against the Gospels

With regard to their individual themes, Ibn Ḥazm's polemic against the four Gospels can be represented schematically as follows:

- a) The contradictions of the Gospels
 - In their relationship to the Torah
 - In their relationship to each other
 - Internal contradictions within the same Gospel
- b) The Christology of the Gospels
 - The inconsistency of their statements about Jesus as man and prophet
 - The inconsistency of their statements about Jesus as God and Son of God
- c) Individual stories and statements of the Gospels
 - The logical absurdity and inconsistency of individual statements and stories of the four Gospels
- d) The Qur'ān as corrective to the Gospels
 - The underlying truth about the Apostles
 - The underlying truth about the origin of Jesus
 - The underlying truth about the acts of God
- e) The conclusion of the author

Ibn Ḥazm's attempt to refute the Gospel texts as untenable both theologically and logically are exemplified in the following section, based on selected examples.

⁴⁷ "Taqrīb," p. 262.

THE CHRISTOLOGY OF THE GOSPELS

Although Ibn Hāzīm already saw a compelling proof in the Gospels' contradiction of the Torah and also in their contradiction of each other—that these scriptures could not by any means have originated from revelation⁴⁸—the critique of the Christology of the Gospels highlights his dispute with the New Testament. This dispute is independent of whether it is the statements of the Gospels about Jesus as a man and a prophet or statements about Jesus as God and as the son of God that are concerned. For Ibn Hāzīm these statements, as measured by the logical universal criterion of sound common sense, are untenable. In his *Faṣl*, he exemplifies this using the central statements of the Gospels about the person of Jesus, starting with the explanation of the origin of the statements about Jesus as a prophet and encompassing the description of Jesus as God and as son of God.

Self-Witness of the Evangelists on Jesus as a Prophet

Although Ibn Hāzīm considered the four Gospels in their entirety to be a distorted textual corpus, he nonetheless chose to begin his discussion of the Christology of the Gospels at a place in the Gospel of Luke, which, as he argued, "(...) was spared their (i.e. the Evangelists') distortion (...) and preserved by God as evidence against them."⁴⁹ This is the place where Jesus says to the crowd that no prophet is accepted in his own homeland (Luke 4:24). For Ibn Hāzīm, the evangelists create a self-witness here for the view that Jesus was a prophet and therefore a human being created in time, and no God or Son of God.

'Polytheism' of the Gospels

The most fatal consequence of the deification of Jesus in Ibn Hāzīm's view is that it postulates the existence of a second God, and thus inevitably leads to the destruction of polytheism. While there existed various forms of polytheism, Ibn Hāzīm called the "idolatry" of the Christians the "most fatuous" (*aḥmaqu shirkⁱⁿ*) of idolatries. He demonstrated it with a proof-text from the last chapter of the Gospel of Mark (16:19), where it is said, as quoted by Ibn Hāzīm: "And the Lord, after he said that, was taken

⁴⁸ Cf. Behloul, *Evangelienkritik*, pp. 159–175.

⁴⁹ *Faṣl*, vol. 2, p. 59.

up into Heaven and sat down at the right hand of God.”⁵⁰ According to Ibn Ḥazm’s understanding, the language here is undoubtedly about two gods, because “(...) the Lord sat down at the right hand of God. These are, however, two men and two gods: one more exalted than the other, because the one sitting at his right undoubtedly must be of more exalted rank by virtue of being at the right seat.”⁵¹

Ibn Ḥazm’s designation of Christian idolatry as the most foolish idolatry should be understood against the background of his conviction that anyone in possession of a healthy mind and irreproachable sensory perception must logically infer, from observing the world and the processes occurring in it, the existence of one God. This fundamental conviction Ibn Ḥazm raises again and again in his commentary on the logic of Aristotle’s *Organon*, which represents for him the only valid criterion for distinguishing between truth and falsehood.⁵² The adoption of several gods—thus Ibn Ḥazm concludes—stands in absolute contradiction to the logic of common sense.

While Ibn Ḥazm in this example sets out only to demonstrate “the stupidity” of Christians, a few pages later he shows, in the example of the crucifixion scene depicted in the Gospel of Luke, “two [he says] monstrous abominations [...], sufficient in relation to the impurity of their religion and clear evidence of the depravity of all that they [in their religion] publicly confess.”⁵³ The place in the Gospel of Luke Ibn Ḥazm gives as follows: “And in the twentieth chapter of Luke’s Gospel⁵⁴ it says: ‘When they reached the place, called the place of desolation, they crucified him there, and crucified with him two mocking robbers, one on his right hand and one on his left. And Jesus said: “O my father, forgive them, for they know not what they do” [...]’.”⁵⁵

As he himself would not even consider it possible that anyone would dare to put such lines to paper as the word of God, to assure himself once again Ibn Ḥazm asked the Christians: “And we ask them: Is the Messiah a god to you, or is he not? If their answer is: “Indeed it is so!,” then they should still be asked: To whom then did he [Jesus] plead and raise his appeal?”⁵⁶

⁵⁰ *Faṣl*, vol. 2, p. 56.

⁵¹ *Faṣl*, vol. 2, p. 56.

⁵² Cf. Behloul, *Evangelienkritik*, pp. 38–59.

⁵³ *Faṣl*, vol. 2, p. 60.

⁵⁴ According to the present numbering it is Luke 23, 33–34.

⁵⁵ *Faṣl*, vol. 2, p. 59f.

⁵⁶ *Faṣl*, vol. 2, p. 60.

The issue can be responded to by the Christians in only two ways—*tertium non datur*. For a statement like the example above posed in *al-Taqrīb* can be only either true or false, and can be true in no different a way than another equally true statement. Everything else is speculation and therefore wrong from the outset, unverifiable by observation. Provided that the Christians would answer him, “If Jesus implored someone other, [then he is] one God who implored another God, which necessarily implies polytheism and a distinction between the two deities.”⁵⁷ In other words, one god must be weaker than the other since he was forced to call on the other god for help. Ibn Ḥazm knows of course that “the Christians would never say such a thing,” and so in his view only the second, equally nonsensical answer is possible: “If he [Jesus] implored himself, this is folly.”⁵⁸ But why should he, Ibn Ḥazm asks further, even ask someone for forgiveness for the sins of another? For “the Gospels explain that he has forgiven the sins of those who sought forgiveness. Where then was this property of his when he once prayed to another god?”⁵⁹ And finally, a second “abomination,” which, as Ibn Ḥazm believes, shows the entire “magnitude [(...) of the error of the Christians] found in no other religious community in the world (...).”⁶⁰

Assuming that Jesus has a God, or, as Ibn Ḥazm understood it, one God had a different God of whom to ask forgiveness for the deeds of other people, “has he [so asks Ibn Ḥazm] now heard that plea or not?”⁶¹ Here too, according to Ibn Ḥazm’s understanding, there are only two possible answers, either a negative or an affirmative. “If they now say that his request went unheard, then we say there is no greater shame than that a God should ask for something and not be heard (...), for such a God to possess so much divinity, (...) like the other creatures, that ask for something and now are heard, now go unheard.”⁶² But should Christians respond with ‘Yes,’ meaning the prayer of Jesus for forgiveness on the cross had been heard, Ibn Ḥazm is waiting with another provocative question: “Know that all of you and your ancestors, in your cursing of the Jews, who [you say] crucified him, have been unjust towards them, for

⁵⁷ *Faṣl*, vol. 2, p. 60.

⁵⁸ *Faṣl*, vol. 2, p. 60.

⁵⁹ *Faṣl*, vol. 2, p. 60.

⁶⁰ *Faṣl*, vol. 2, p. 60.

⁶¹ *Faṣl*, vol. 2, p. 60.

⁶² *Faṣl*, vol. 2, p. 60.

how can one curse the people, if God has forgiven them and acquitted them of the accusation that they had him crucified?"⁶³

Ibn Ḥazm is not about to take the Jews under his protection here, for in his polemic against the Torah he repeats "May God curse them" again and again. This is because, like the Christians later, they are said to have falsified the revelation of scriptures. In the discussion of the crucifixion scene depicted in the Gospels Ibn Ḥazm is concerned rather with demonstrating fully both the theological and logical inconsistency of this story. He therefore concludes his pertinent observations with the remark: "That should suffice for anyone who is sane enough."⁶⁴

THE SCIENTIFIC INDEFENSIBLNESS AND ABNORMALITY OF THE GOSPELS

According to Ibn Ḥazm, the contents of the Gospels do not merely represent a logically unsolvable problem. more than that, they are a contradiction to scientific knowledge and to the phenomena of nature. Just how rigorously Ibn Ḥazm proceeded to analyze the content of the Gospels can be exemplified by his statement on the description of Jesus' death on the cross, as taken from the Gospel of John (John 19:34). This passage contains a description of how the Roman soldier pierced his spear into Jesus' side to see whether he was dead, and blood and water flowed out. Ibn Ḥazm considered the fact that blood and water flowed out as sufficient medical evidence to prove that Jesus had died before the Roman soldier pierced his side. Consequently, he saw this as a natural death and disproved the point that he had been killed by the Jews on the cross as the evangelists had claimed.⁶⁵

However, it was not only general medical knowledge that was in conflict with the contents of the Gospels, but also the generally well-known scientific realities of nature. Ibn Ḥazm demonstrated this from the passage of the Gospel of St. Matthew concerning the statement of Jesus about the Kingdom of Heaven (Matthew 13:31). Here Jesus illustrates the future Kingdom of Heaven by comparing it with the seed of a mustard tree, which grows so large that birds can nest in its branches. In Ibn Ḥazm's view, this manifested the reality that the author of the text had no understanding of the world of plants, for it is generally well-known that this type of plant

⁶³ *Faṣl*, vol. 2, p. 60.

⁶⁴ *Faṣl*, vol. 2, p. 61.

⁶⁵ *Faṣl*, vol. 2, p. 39.

never reached such a height and could therefore not serve as a nesting place for birds.⁶⁶ Owing to his unconditional Zāhirī understanding of the text, which he sees logically proved by Aristotelian ontological realism—as mentioned above—Ibn Ḥazm consequently disagrees in his *Taqrib* (the universally valid criterion for the distinction between truth and falsehood) with every other allegorical meaning of that and other Biblical verses. His broad efforts to verify the Gospels and the other books of the New Testament with regard to their historical facts, their compatibility with the laws of nature and the principles of logic led him to conclude that the content of these scriptures could not have had divine authorship.

IBN ḤAZM'S CONCLUSION FROM HIS POLEMIC AGAINST THE GOSPELS

At the end of his criticism of the Gospels, Ibn Ḥazm draws his conclusions and points out that he had exposed “seventy sections [passages] consisting of pure lies and irreconcilable contradictions.”⁶⁷ To mention only, as he says, “the minimum number of monstrosities of the evangelists,” Ibn Ḥazm mockingly sums up the Christology of the Gospels in order once again to reduce them publicly, in concentrated form, *ad absurdum*:

(...) At times he [Jesus] according to the Gospel text is the Son of God, sometimes the son of Joseph, son of David and son of man, sometimes he is a God who creates (...), at times he is Lamb of God, God is in him and he is in God, sometimes in his disciples and sometimes his disciples are in him (...), Now he is a prophet and now he is servant of God, now God will deliver him from his enemies, now God renounces power in his favour and transfers (it) to him (...) Now he is hungry once more and seeks food and drink (...) He is captured, his face is slapped and spit on (...) and finally he is killed by a sentry. (...) Then he is revived (...), meets with his supporters and asks them for some food (...).⁶⁸

Under the circumstances, Ibn Ḥazm may draw from his sorting through the four Gospels only the conclusion that “they [the evangelists, and with them all the Christians] are confessing to two compulsively [gradually] deviating divinities.”⁶⁹

⁶⁶ *Faṣl*, vol. 2, p. 34.

⁶⁷ *Faṣl*, vol. 2, p. 68.

⁶⁸ *Faṣl*, vol. 2, p. 69.

⁶⁹ *Faṣl*, vol. 2, p. 69.

From selected examples taken from his polemic against the Gospels it is clear that Ibn Ḥazm's method of criticism is the method for distinguishing between truth and falsehood developed in his *Taqrīb*. The universally valid law of reason postulated therein and its dependence on sensory perception as the sole means made available to man by God for distinguishing between truth and falsehood is also at the centre of Ibn Ḥazm's sorting through the four Gospels. Accordingly, he considers their content exclusively in their external wording (*ẓāhir*). Following this principle uncompromisingly, Ibn Ḥazm then sets out specifically to examine the narrative material of the four evangelists both for their historicity and their compatibility with the laws of nature and logic of the healthy human mind.

Thus, Ibn Ḥazm, basing his reading of the Gospels on the principles of *Ẓāhiriyya*, naturally wholly excludes the method of reading scripture based on images and metaphors. With respect to the historical and rational correctness of the Gospels, this leads him necessarily to a withering verdict: their content is neither verifiably without historical flaws, nor consistent with the categories of healthy common sense and thus definitively not to be ascribed to any divine authorship.

WHY THE POLEMICS? SETTING IBN ḤAZM'S ANTI-CHRISTIAN POLEMIC WITHIN THE SOCIAL AND POLITICAL CONDITIONS OF HIS ERA

As mentioned above, Ibn Ḥazm grasps the Islamic religion as the sole true faith in absolute harmony with the visible world and with the *religio naturalis* in the processes of nature that are playing out in it. This in turn gives it the role of a sole corrective force—over every thought and every religion. That Ibn Ḥazm in his discussion of the Gospels draws on the Qur'ān in only a few places for the rational and theological corrective to the 'monstrosities' that are found in them is no accident. To him, it is much more important to rebut the evangelists in their own words. For that reason he says early on in his criticism of the Gospels that one may actually save himself the trouble of disputing the New Testament, as on the one hand it is the Christians themselves who claim that the authorship of their writings springs not from God but from men, and on the other hand that the slightest application of common sense would make the absurdity of these texts clear to everyone. All the more astonishing it seems, then, that Ibn Ḥazm, despite this obviousness and the resulting redundancy, eschews no effort and spares no words to winnow through and refute the Gospels to the last detail.

This presents us more emphatically with the question of the actual purpose and objective of this polemic. To answer that question it is vital first to point out that Ibn Ḥazm's literary and scientific works were preceded by an active and extremely turbulent political life. Ibn Ḥazm had enjoyed a sheltered childhood in a vizier's family. His father Aḥmad was a vizier in Cordoba under al-Manṣūr (r. 991–1002 CE). Following the latter's death, al-Andalus was soon in the grip of bloody civil wars, and after the new Caliph al-Mahdī took power in 1008, Ibn Ḥazm's family found itself on the losing side, which also brought his father's political career to an end.

The horrors of civil war deeply shaped the young Ibn Ḥazm. At eighteen he decided to become politically active, firstly to rehabilitate his father—accused by the new rulers of treason—politically, and secondly, to bring about the restoration of the Caliphate by the Umayyad dynasty. For a short time he was even named vizier after his close friend from the House of Umayya, Abd al-Raḥmān V al-Mustaẓhir, was appointed caliph in 1023. A coup, however, abruptly ended this career, and Ibn Ḥazm was sent to prison. The time he spent there changed him greatly. Political interests were now overtaken by a life given up to science and polemics. While he remained keenly interested in the social and political developments in al-Andalus, he now sought to influence these through science.

The focus of his political interests also witnessed a decisive turning point: he no longer concerned himself with the restoration of the *Umayyad* Caliphate in al-Andalus, but sought the restoration of an Islamic social order rooted in the correct interpretation of the Qur'ān and Islamic law. Ibn Ḥazm saw the true cause of the schisms and bloody enmity among Muslims in al-Andalus in the ignorance of his contemporaries and fellow-believers of the correct interpretation of the Qur'ān and the Islamic faith. The ignorance of the true and sole interpretation of the word of God, based on the principles of common sense, was what in Ibn Ḥazm's view led first to intellectual and then to political anarchy, whose effects he was ultimately to experience himself. In order to restore Islam to its original state of unity and its meticulous fulfilment of the ritual and legal obligations pleasing to God, it was not necessary in Ibn Ḥazm's view to learn anything new, but solely to remind the Muslims themselves of their rightful superiority, anchored in the legacy of the Prophet Muḥammad, over all other religious communities.

In view of his polemic against Christianity, his continuous comparison of the ideal of Islamic unity to the reality of Christianity, as he thinks, marked by lies and schisms, is striking. Towards the end of his criticism of

the Gospels, for example, he appeals to all Muslims to see clearly “how far removed in quality are the traditions of other religions from their own.”⁷⁰ His polemics against the Christians—just like his polemic against the Jews and other external and internal Islamic groups—formed only one of the stages of his retrospective campaign of ‘enlightenment.’

Viewed in this web of relationships, Ibn Ḥazm released the pent-up tension into an extremely detail-driven refutation of the Gospels as a self-criticism of his own religious community for having forgotten God. The addressees were ultimately not the Christians themselves, but his own deeply divided Islamic faith community. The historically, theologically and logically reasoned triumph over the Christians thus emerges on closer inspection and comparison with the overall body of work and the socio-political conditions of the era of the author himself to be camouflage serving as a literary vehicle for his own disappointment and despair. It should be seen as a transfiguration of yesterday (the original early religious community of Medina) to address the problems of today. Only in view of this web of relationships does Ibn Ḥazm’s detailed presentation and refutation of the Christian faith make sense. Otherwise it would be merely a lengthy exposé of ‘obvious lies,’ and as such, superfluous.

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⁷⁰ *Faṣl*, vol. 2, p. 81.

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LE SENS DE LA POLÉMIQUE ANTI-BIBLIQUE CHEZ IBN ḤAZM

Dominique Urvoy

Les attaques d'Ibn Ḥazm contre les textes bibliques, c'est-à-dire tant la Bible hébraïque que le Nouveau Testament chrétien, s'inscrivent dans une double histoire : celle de la *contestation de la matérialité des textes reçus* d'une part, et celle de la *contestation du caractère sacré de ces textes* de l'autre. Les deux ne vont pas nécessairement de pair. En effet, certaines Eglises chrétiennes orientales ont pu s'accuser mutuellement d'avoir altéré tel ou tel passage de la Bible sans remettre en question le caractère sacré de l'ensemble du texte détenu par l'adversaire. Inversement, les « hérétiques » (*zindīq*, pl. *zanādiqa*) de l'islam ou les polémistes d'autres religions ont contesté la thèse du Coran comme « dictée, » « descendue » (*tanzīl*) sur Muḥammad, sans mettre en cause la validité du texte reçu.

Dans l'histoire même de la polémique musulmane contre ce qu'elle appelle les « religions du Livre, » la fusion de ces deux courants ne s'établit que progressivement.

Le Coran distingue bien la *Tawra* et l'*Injīl* authentiques, qui sont « une part de l'Écriture » (*naṣīb min al-Kitāb*)¹, de ce qui est entre les mains des juifs et des chrétiens et qui a été l'objet d'altération. Encore cette notion reste-t-elle imprécise à deux titres. Dans sa portée d'abord : le Coran ne se prononce pas sur la proportion de texte qui aurait été altéré et Muḥammad est dit avoir été envoyé pour « confirmer ce qui est avec eux » (*muṣaddiq^{an} limā ma'ahum*)². Dans son contenu ensuite : le Coran emploie deux verbes différents, *ḥarrafa* (altérer) et *baddala* (substituer)³, qui ont donné respectivement les substantifs techniques *tahrīf* et *tabdīl* ; en outre il en propose deux significations bien distinctes : celle de cacher une partie de la révélation⁴, dont la mise au jour par le prophète peut s'accompagner d'une abrogation⁵, et celle de fabriquer du faux⁶. Or les plus anciens auteurs de polémique connus (Ibn al-Layth, secrétaire de Hārūn al-Rashīd, qui écrit

¹ Cor. III, 23.

² Cor. II, 91 ; cf. aussi : II, 41, 97 ; III, 3 ; IV, 47 ; V, 48 ; XXXV, 31 ; XLVI, 30.

³ Respectivement Cor V, 13 et VII, 162.

⁴ Cor. II, 174 ; III, 71.

⁵ Cor. V, 15

⁶ Cor. II, 79.

en 180/796 ; le chrétien converti ‘Alī b. Rabban al-Ṭabarī, m. 240/855, et l’*imām* zaydite al-Qāsīm b. Ibrāhīm, m. 246/860) ne retiennent aucun de ces deux sens mais se limitent à l’accusation d’altération dans l’interprétation (*tahrīf ta’wīl al-kalām*), que l’on appellera plus tard « altération du sens » (*tahrīf al-ma’ānī*).

Dans l’état actuel de nos connaissances, c’est seulement avec al-Jāhīz, de quelques années plus jeune que les deux précédents, qu’apparaît l’attaque de la matérialité même des textes. Encore vise-t-il ainsi indirectement, à travers les juifs, les musulmans adversaires de l’école mu’tazilite à laquelle il adhère. Mais par la suite la critique se précise. Si elle reste modérée chez certains, tel l’ash’arite Juwaynī, elle prend chez d’autres une expression plus virulente. C’est Ibn Ḥazm qui se montre le plus radical, tant dans la forme que dans le fonds. Lui aussi, comme Jāhīz, est motivé par des tensions internes à l’islam. Il le dit expressément : « Il nous est parvenu qu’un groupe de musulmans nient, par leur ignorance, que la Torah et l’Evangile qui sont entre les mains des juifs et des chrétiens, sont falsifiés (*muḥarrfa*). Ils disent ainsi parce qu’ils n’observent pas les textes coraniques et les traditions prophétiques. [...] Nous répondons à ceux qui affirment que la transmission des juifs et des chrétiens est une transmission continue et non interrompue, donc une autorité »⁷.

Mais Ibn Ḥazm est aussi tributaire d’un contexte spécifique dans lequel interviennent, outre l’évolution générale de la polémique musulmane que nous venons d’indiquer, deux autres problématiques dues à l’écho en Andalus de textes orientaux de polémique anti-islamique : d’une part la dénonciation par un *zindīq* d’incohérences dans le texte coranique ; de l’autre le problème, soulevé par un chrétien nestorien, d’une possible polygenèse du Coran dont la pluralité des lectures canoniques (*qirā’āt*) serait la preuve.

Les textes de critique de la Bible par Ibn Ḥazm sont essentiellement son *Radd* contre un juif (sur la désignation duquel les hypothèses divergent)⁸, et trois sections des *Fiṣal fī l-mīlāl wa-l-ahwā’ wa-l-niḥāl* consacrées successivement à une critique de la Bible hébraïque, à celle du Nouveau Testament, et à l’affirmation de ce que le Coran est exempt des fautes dénoncées dans les deux précédents.

⁷ Ibn Ḥazm, *al-Fiṣal fī l-mīlāl wa-l-ahwā’ wa-l-niḥāl*, éd. du Caire, s.d. [1321/1903 ; diverses reproductions pirates], 5 t. en 2 vol. ; t. 1, p. 215.

⁸ *Al-Radd ‘alā Ibn al-Naḡhrīl al-yahūdī wa rasā’il ukhrā li-Ibn Ḥazm al-Andalusī*, éd. I. ‘Abbās, Le Caire, 1380/1960.

Le *Radd* donne le sentiment d'être seulement un ouvrage de circonstance. Il réfute certaines accusations d'incohérence faites au texte coranique et les retourne, en les amplifiant, contre la Torah ; mais il dérive aussi sur des récriminations d'ordre socio-politique contre le statut réel des juifs dans son pays. Cependant Sarah Stroumsa et Maribel Fierro ont souligné le fait que les thèmes abordés dans ce texte sont très proches de ceux qu'on peut trouver dans des fragments conservés d'hérétiques orientaux⁹. Il est donc intéressant de marquer exactement dans quelle mesure Ibn Ḥazm se situe dans leur prolongement.

En fait, même sous la forme des fragments réduits qui nous sont parvenus, on peut constater que la critique faite par les *zanādiqa* abordait au moins quatre thèmes :

- la dénonciation des contradictions doctrinales, doublées par des contradictions textuelles (on trouve cela chez un musulman comme Ibn al-Rāwandī, mais aussi chez un juif comme Ḥayyōya [prononciation arabe Ḥayawayh ou Ḥīwī] al-Balkhī) ;
- la proposition d'exégèses particulières de passages des Ecritures ;
- la dénonciation du caractère inégal de la qualité littéraire du Coran ;
- et enfin des remarques concernant la réception des textes et leur influence psychologique¹⁰.

Ibn Ḥazm ne traite pas du second thème, ni du dernier (lequel ne sera abordé de façon positive qu'au VIII^e/XIII^e siècle dans le christianisme, par le copte Buṭrūs al-Ṣadamantī, et à l'époque moderne en islam par Muḥammad Khalaf Allāh). Quant au troisième thème, il a été submergé dans la littérature musulmane par le durcissement du dogme de l'inimitabilité (*i'jāz*) du Coran, aboutissant au IV^e/X^e siècle à l'affirmation de la perfection non seulement du message mais aussi de la forme. Or, bien qu'appartenant au siècle suivant, Ibn Ḥazm rompt avec cette perspective ; il revient au contraire à la thèse soutenue, antérieurement à l'aboutissement du processus idéologique, par le mu'tazilite al-Nazzām (qui est pour tant une de ses cibles préférées par ailleurs) : selon ce dernier, les Arabes

⁹ S. Stroumsa, « From Muslim Heresy to Jewish-Muslim Polemic: Ibn al-Rāwandī's *Kitāb al-Dāmigh*, » *Journal of the American Oriental Society* 107 iii–iv (1987), p. 767–772 ; M. Fierro, « Ibn Ḥazm et le zindīq juif, » *Revue du Monde Musulman et de la Méditerranée* 63–64 (1992), p. 81–89.

¹⁰ Voir D. Urvoy, « La critique des textes chez les penseurs indépendants de l'Islam classique, » dans *Exégèse et critique des textes sacrés*, éd. D. Delmaire et G. Gobillot, Paris, 2007, p. 169–175.

mis au défi par le prophète auraient bien eu la capacité de produire quelque chose de semblable au Coran, mais Dieu les en a détournés. C'est en cela que réside le miracle puisqu'il y a eu rupture du cours habituel des choses. A quoi Ibn Ḥazm ajoute que l'argument stylistique, sous couleur de magnifier le texte coranique, en ruine en fait le caractère divin. En effet – dit-il – on peut parler de « degré suprême d'éloquence (*balāgha*) » pour beaucoup d'œuvres humaines, chacune dans son genre (et il cite notamment Imru' l-Qays pour la poésie et al-Jāhiz pour la prose); mais toute œuvre, si haut placée soit-elle, peut un jour ou l'autre être surpassée, tandis que la valeur d'un texte religieux doit être éternelle¹¹. Ainsi, sans pour autant manifester d'accord avec ceux qui dénoncent certaines faiblesses formelles dans le Coran, Ibn Ḥazm se place néanmoins objectivement de leur côté face à l'idéologie envahissante de l'*i'jāz* formelle.

Ibn Ḥazm s'en tient donc au premier thème polémique, celui des contradictions textuelles et doctrinales, mais il l'exploite à outrance. De plus, son adhésion à l'école zāhirite – laquelle repose sur le postulat que pour toute chose il y a un texte (*naṣṣ*) révélé ou du moins inspiré – lui permet de prolonger cet aspect négatif par un aspect positif qui est celui de la transmission des textes. Toutefois, il se heurte alors à un autre argument, avancé notamment par le Nestorien 'Abd al-Masīḥ al-Kindī¹², dont l'ouvrage est parvenu en Andalus : rappelant les interventions du gouverneur d'Irak al-Ḥajjāj b. Yūsuf sur la mise en forme du texte coranique, et relevant la pluralité des lectures canoniques, al-Kindī y voit la preuve d'une élaboration progressive du texte, ce qui ruine le dogme d'une « descente » de celui-ci sur le seul prophète. A quoi Ibn Ḥazm ne peut qu'opposer l'affirmation fidéiste que les diverses possibilités de compréhension du texte coranique ont été révélées simultanément et transmises, par la suite, par des traditions dignes de foi qui en assurent le caractère inaltéré¹³.

Bien que les *Fiṣal* soient une recollection de textes écrits à des périodes et dans des contextes différents, les trois sections concernant notre sujet forment un ensemble logiquement organisé, du moins en fonction des présupposés de l'auteur :

¹¹ Ibn Ḥazm, *Fiṣal*, t. 3, p. 17–18.

¹² *Risālat 'Abd Allāh b. Ismā'il al-Hāshimī ilā 'Abd al-Masīḥ b. Ishāq al-Kindī yad'ūhu bihā ilā al-Islām, wa-Risālat 'Abd al-Masīḥ ilā al-Hāshimī yaruddu bihā 'alayhi wa-yad'ūhu ilā al-Naṣrānīyya*, Miṣr 1895 ; trad. Française G. Tartar, *Dialogue islamo-chrétien sous le calife al-Ma'mūn (813–834). Les épîtres d'al-Hāshimī et d'al-Kindī*, Paris 1985.

¹³ *Fiṣal*, t. 2, p. 76, lignes 11 sq.

1. Les juifs prétendant que la Bible est d'origine divine, la démonstration d'incohérences dans le texte ruine cette prétention car Dieu ne peut se tromper, même sur des détails matériels sans portée dogmatique, à plus forte raison s'il y a de telles implications.
2. Ibn Ḥazm reconnaît que telle n'est pas la position des chrétiens, qui voient dans les Évangiles canoniques seulement des témoignages (*tawārīkh*) ; mais il « retombe sur ses pieds » en affirmant que la vénération que les chrétiens portent à ces témoins les place au niveau des prophètes, voire au-dessus des prophètes¹⁴, lesquels sont, à ses yeux, infaillibles (*ma'ṣūm*). La démonstration de contradictions entre les diverses parties du Nouveau Testament ramène donc leurs auteurs au statut de faussaires. Ce développement est explicitement relié au contexte de la polémique anti-islamique car, dès l'intérieur de cette section, dans une incise remarquable, Ibn Ḥazm éprouve le besoin de répondre à une objection concernant un hadīth : avec superbe, il distingue la fausse version de celui-ci de la vraie et pose cette démarche en exemple, reprochant aux chrétiens non pas tant d'avoir des versions divergentes que de les mettre sur le même plan et ne pas avoir de moyen de définir (notamment pas une chaîne de transmission) laquelle est la bonne¹⁵. La même démarche est reprise et amplifiée à la suite de cette section.
3. Seul le Coran a été transmis en une seule version – avec seulement des différences de détail également dictées – depuis les origines, par des filières dignes de foi, et est dépourvu de toute incohérence, ce qui prouve que lui seul est l'expression de la parole de Dieu.

Il est inutile de revenir sur le détail des arguments invoqués car ils n'ont guère de valeur spéculative en eux-mêmes. En effet, ils reposent toujours sur une réduction forcée de l'adversaire aux cadres de l'auteur :

- cadres islamiques en général d'abord. En effet, la démarche récurrente est la suivante : il y a contradiction entre les textes, donc ce qui est attribué à Jésus par tel ou tel évangéliste, ou même par tous, est un mensonge ; or un prophète ne peut mentir ; à plus forte raison Dieu.

¹⁴ Voir, par exemple, *Fiṣal*, t. 2, p. 42, lignes 3–4 ; p. 57, ligne 23 ; p. 72, ligne 1 ; etc.

¹⁵ *Fiṣal*, t. 2, p. 27.

- cadres proprement zāhirites ensuite : un apologue de Jésus devient une « loi » (*sharʿ*) ; un récit de ses gestes et attitudes ont valeur de « texte » (*naṣṣ*) ; etc.

Certes, les citations que fait Ibn Ḥazm de ses interlocuteurs en Andalus le montrent face à des pensées religieuses bien sommaires, et surtout proches de ses propres présupposés. Il se peut qu'il ait sélectionné ce qui lui convenait, mais il faut reconnaître que le rapprochement avec le point de vue juridique des juifs était assez aisé, et que, pour les chrétiens, l'imprégnation islamique de certains Mozarabes est un fait indubitable, y compris sur le plan théologique¹⁶.

Bien que les arguments mis en avant par Ibn Ḥazm soient repris encore de nos jours par l'apologétique musulmane, qui présente volontiers leur auteur comme un précurseur de la moderne critique historique, ils sont simplement le fait d'un polémiste qui, comme on dit, « fait flèche de tout bois ». Cela se marque de deux façons. Il est tout d'abord frappant que notre auteur ne hiérarchise pas les questions et qu'il met sur le même plan l'important et le secondaire, l'essentiel et l'anecdotique. Ainsi, dans la critique de la Bible juive, les difficultés d'ordre géographique et les incohérences de calcul (chronologie, âge et nombre des personnes) sont autant – sinon plus – développées que la dénonciation d'anthropomorphismes et les questions théologiques (lesquelles sont essentiellement réduites à la question de l'infailibilité des prophètes et à celle de l'abrogation). Plus tard Ibn Khaldūn – qui est sévère pour Ibn Ḥazm chaque fois qu'il est amené à l'évoquer dans sa *Muqaddima* – relativisera considérablement cela en relevant, en bon historien, que dans tout document peuvent intervenir des fautes de copie et des interpolations sans que cela n'ait d'autre portée que de détail¹⁷. Par ailleurs un même fait peut être pris par Ibn Ḥazm en deux sens contradictoires, comme par exemple pour l'histoire de l'adultère de Lot avec ses filles, qui est tantôt contesté parce qu'on ne peut attribuer de faute à un prophète, tantôt admise pour montrer qu'il y a eu abrogation dans l'histoire d'Israël.

Le lecteur des passages concernant la critique de la Bible – pour peu qu'il ait un minimum de sens spéculatif – est donc déconcerté, tiraillé qu'il

¹⁶ Voir M.-Th. Urvoy, « Influence islamique sur le vocabulaire d'un Psautier arabe d'al-Andalus, » *Al-Qanṭara* 15 ii (1994), p. 509–517.

¹⁷ Voir D. Urvoy, « Ibn Khaldūn et la notion d'altération des textes bibliques, » dans *Judios y musulmanes en al-Andalus y el Magreb. Contactos intelectuales*. Ed. M. Fierro, Madrid, 2002, p. 165–178.

est entre d'une part l'étonnement pour la connaissance minutieuse des textes et de l'autre l'agacement devant les insignes faiblesses de la démarche. Gène qui est d'autant plus accrue que la polémique se caractérise par une virulence extrême. Pourtant c'est sur ce dernier aspect même que je voudrais m'arrêter. Tout le monde a bien constaté la facilité avec laquelle Ibn Ḥazm passait de la critique à l'insulte, mais on s'est contenté d'y voir une marque du caractère atrabilaire de ce personnage. Dans sa traduction espagnole des *Fiṣal*, Asín Palacios a relevé que ces injures étaient particulièrement excessives dans le chapitre sur le christianisme, lequel contenait certaines phrases « de si mauvais goût littéraire et si vides, en outre, de contenu idéologique utilisable en faveur ou à l'encontre des thèmes discutés »¹⁸ qu'il avait préféré les passer sous silence. Il me semble, au contraire, que la question qui doit être posée est la suivante : Ibn Ḥazm n'est-il qu'un « excité, » qui s'emporte facilement au point de dire n'importe quoi à propos de n'importe quoi ? Ou bien est-ce que, même si leur profusion et leur violence sont imputables à des facteurs psycho-physiologiques, les injures qu'il profère ne sont pas choisies au hasard mais sont, dans leur matérialité même, révélatrices des fluctuations de la démarche de l'auteur, et notamment de l'intensité variable de réaction que chaque thème étudié suscite chez lui ?

Le chapitre sur le christianisme étant celui où culmine l'usage des insultes, je m'en tiendrai à lui pour l'analyse qui suit, et plus particulièrement à la critique des Evangiles (d'abord les synoptiques puis celui de Jean en particulier). Cependant, comme il s'agit pour notre auteur de rejeter en bloc ces textes reçus par les chrétiens, les mots « mentir, » « mensonge, » « démentir, » . . . , tous compris dans la racine *k-dh-b*, reviennent pratiquement à chaque ligne de l'analyse des synoptiques, en dehors des citations ; ils ne seront donc pas relevés. Je signalerai seulement les cas où un de ces mots est renforcé par un adverbe ou un adjectif.

Ibn Ḥazm procède par citations de fragments¹⁹. Leur propre développement et celui de leur critique est de longueur extrêmement variable. Il n'y a pas d'enchaînement méthodique entre les divers passages, si ce n'est le retour final sur le seul Evangile de Jean, « qui est le plus grand des Evangiles en *kufṛ*, le plus dense en contradictions et le plus complet en sottise »²⁰. Par ailleurs, une même citation peut être critiquée de deux

¹⁸ M. Asín Palacios, *Abenházam de Córdoba y su Historia crítica de las ideas religiosas*, Madrid 1929, t. 3, p. 5.

¹⁹ Il en compte soixante-dix ; Asín Palacios soixante quatorze.

²⁰ *Fiṣal*, t. 2, p. 61.

ou plusieurs points de vue différents. Enfin, et surtout, Ibn Ḥazm a l'art de susciter des difficultés sur des points secondaires par rapport au problème théologique fondamental qui est posé : ainsi, à propos de la mission donnée aux apôtres – qui est la base de l'ecclésiologie – il se fixe seulement sur la question de savoir si Judas est compté parmi eux ; le passage contenant l'annonce de la fin des temps perd tout aspect eschatologique pour n'être envisagé que du point de vue du rapport des disciples envers la Torah ; etc.

Faute de pouvoir suivre un ordre apparent dans le texte, on peut regrouper les thèmes (selon la perspective d'Ibn Ḥazm lui-même) de la façon suivante :

1. Présentation générale du propos et conclusion. Sigle G dans le tableau suivant.
2. Questions factuelles (chronologie, désignation de personnes, récits, images, ...). QF
3. La personne de Jésus et son statut théologique [il est remarquable que notre auteur se contente de reprendre le nom *Yasū'* qu'utilisent les chrétiens et n'emploie pas le vocable coranique *ʾĪsā'* ; c'est la preuve de sa volonté de s'en tenir aux textes eux-mêmes]. J
4. Le rapport à la Torah et la Loi donnée par Jésus. LR
5. Les promesses de Jésus en général et aux apôtres en particulier. PM
6. Le statut de Jean le Baptiste. JB
7. Les divergences d'interprétation entre islam et christianisme sur un thème théologique commun (la résurrection et la prophétie). TC

Quant aux réactions verbales d'Ibn Ḥazm, en sus de la répétition inlassable de composés de la racine *k-dh-b*, on constate, dans la seule section sélectionnée, 322 occurrences de termes ou expressions dépréciatives. En regroupant les termes de même racine, cela donne 99 formules, inégalement réparties. En effet, notre auteur fait à la fois preuve d'une très grande richesse de vocabulaire et d'une certaine tendance à la répétition pour quelques termes : *ḥumq* (stupidité), *ṭāma* (gravité) *nadhīl* (méprisable), etc. et leurs dérivés. On peut regrouper l'ensemble de ces termes de la façon suivante :

- a. Accusations proprement islamiques (*kufr* [infidélité] et *ḍalāl* [égarement]) sont les plus fréquents, mais on trouve aussi *fāsiq* [impie], *shirk* [associationisme], apostat, *zindīq*, brahmane, manichéen, *dahrīyya* [matérialisme], méritant le feu). Sigle I

- b. Contestation des auteurs des textes, (renforcement de l'idée de mensonge, contradiction, « engendrement, » fable, falsification, méritant le soupçon, ayant besoin de garantie, etc.). A
- c. Etonnement et scandale. ES
- d. Insultes mettant en cause la raison (sa faiblesse ou même son absence ; l'impossibilité de la chose ; le délire, la folie ...) ou l'intelligence (stupidité, sottise, extravagance, ...) [Quelques injures, telles que « cervelles d'oiseaux, » « cerveau dérangé, » ... sont incluses dans ce cadre et non dans les injures]. RI
- e. Malédiction (soit déjà infligée par Dieu, soit appel de celle-ci sur quelqu'un, soit enfin conséquence des erreurs). M
- d. Mise en cause de la conduite des personnes (ruse, mépris de leur part, impudence, hypocrisie, suggestion fausse ...). CP
- e. Mise en cause de la religiosité des personnes (religion « sale » ou « corrompue » ; se moquer de la religion ; douter ; fanatisme ...). RP
- f. Formules ironiques (demande d'indulgence ; juger « plaisant » tel trait). Ir
- g. Injures (visages laids ; puant ; dégoûtant ; ...) et qualificatifs insultants (ignoble, atroce, méprisable, ...) [Cela comprend des sortes de sobriquets donnés aux Evangélistes]. In

La mise en relation des deux donne le tableau suivant :

Table 1

Thèmes → Réactions d'I.H. ↓	G	Q F	J	L R	P M	J B	T C	Total
I	1	9	16	8	3		2	39
A	9	10	13		4	1		37
E S		19	23	3	4			49
R I	6	15	37	4	6	7	2	77
M	2	7	5	5	3	3	1	26
C P		4	6	1	2	2		15
R P		4	3	1	2	1		11
Ir		2			1			3
In	4	20	11	5	16	8	1	65
Total	22	90	114	27	41	22	6	322

Ce tableau donne des chiffres bruts, non des statistiques qui demanderaient une plus grande élaboration mathématique, faisant intervenir

notamment la longueur de chaque sous-section afin de permettre le calcul de pourcentages. Il fournit, paradoxalement, des indications plutôt qualitatives que proprement quantitatives. Les courbes d'amplitude limitée sont donc peu significatives et on se limitera à prendre en considération les amplitudes fortes. Sous ces réserves, ce tableau n'en donne pas moins des enseignements très nets :

- Le point qui intéresse le plus Ibn Ḥazm est, de très loin, la question du statut du personnage évangélique de *Yasū'*. Les longs développements qu'il lui consacre ne sont en fait qu'une répétition de l'accusation coranique faite aux chrétiens de blasphémer en le considérant comme Dieu. Il le fait quelques fois en s'appuyant directement sur une formule de tel évangéliste. Mais le plus souvent sa démarche consiste à relever les divergences entre les divers textes, qu'il considère alors comme des contradictions, impliquant que tel ou tel des auteurs a fait dire un mensonge à Jésus ; or celui-ci est un prophète (et ici on retrouve subrepticement le *ʿĪsā* coranique) lequel ne saurait mentir. Ce sont donc les qualificatifs islamiques qui dominent (16), les exclamations de scandale (23) et surtout l'appel à la raison (37). Toute la conception Ḥazmienne de la raison et de son lien direct avec la religion est ici en jeu²¹. Toutefois, la mise en cause des personnes consiste, curieusement, plus à imputer une action malveillante envers autrui qu'à manquer de religion, et les injures pures et simples, tout en étant notables (11), restent dans la moyenne.
- Les questions factuelles, sans tenir une place aussi importante que dans la critique de la Bible juive, se détachent également de façon très nette. La référence islamique est encore bien marquée (9) et l'émotivité de l'auteur se manifeste fortement par les expressions de scandale (19) et par le nombre de loin le plus élevé d'insultes (20).
- Venant en troisième position, mais loin derrière, les promesses de Jésus et les missions qu'il a confiées suscitent non pas tant des critiques, lesquelles se répartissent dans une fourchette statistique raisonnable, que des injures (16). C'est le second point où éclate l'émotivité d'Ibn Ḥazm. Visiblement c'est une thématique qui le dépasse.

²¹ Voir R. Arnaldez, « La raison et l'identification de la vérité selon Ibn Hazm de Cordoue, » *Mélanges Louis Massignon*, Damas, t. 1, 1956, p. 111–121 ; idem, *Grammaire et théologie chez Ibn Hazm de Cordoue*, Paris 1956.

- Avec la question des lois religieuses, conforté par ses présupposés Zāhirites qui lui permettent d'y ramener des points que l'adversaire n'envisagerait pas sous cet angle, le polémiste musulman est plus dans son élément. Les accusations islamiques sont les plus importantes, surtout si on y associe les malédictions ; il n'y a même pas de terme évoquant une altération des textes, et le nombre des injures diminue nettement.
- Sur la personne de Jean le Baptiste, notre auteur est à nouveau mal à l'aise, se limitant pratiquement aux accusations de stupidité et aux injures.
- La dernière colonne, par son caractère réduit, est un enseignement *a contrario*. Autant Ibn Ḥazm est, par ailleurs, enclin à imposer aux textes les critères islamiques, autant il montre ici qu'il est très peu disposé à discuter d'interprétations divergentes de thèmes communs à l'islam et au christianisme. Dans la section que nous considérons, le théologien s'efface presque complètement devant le polémiste.
- Si on regarde le tableau selon les horizontales, on constate l'énorme contraste entre les deux dernières lignes. Ici, Ibn Ḥazm n'est guère porté à l'humour, alors qu'il se déchaîne en termes insultants.
- Plus que les insultes, cependant, ce qui domine presque partout est la référence à la raison et à l'intelligence. Nous retrouvons là un aspect basique de la pensée de notre auteur puisque la raison n'est, pour lui, qu'une faculté « réceptive » vis-à-vis de Dieu.

Le détail du tableau permet donc de préciser la démarche d'Ibn Ḥazm. La première colonne indique bien son intention : montrer le caractère faux des textes que revendiquent les chrétiens, dont les auteurs lui apparaissent comme des gens méprisables parce qu'ils vont à l'encontre de sa conception de la raison (conception purement instrumentale de réceptivité de la révélation coranique). Les chiffres de la dernière ligne montrent bien aussi quelle est la hiérarchie des questions à ses yeux : avant tout la question du statut théologique du personnage évangélique de *Yasū'* ; puis, venant juste après, les questions factuelles qui permettent de mettre en valeur les divergences entre les textes et leurs contradictions ; les diverses autres questions théologiques qu'il envisage ont, prises toutes ensemble, à peine plus d'importance à ses yeux. On voit enfin comment les critères invoqués s'affinent et l'importance relative de chacun : l'appel à l'« intelligence » et à la « raison, » avec des accents nettement coraniques, domine largement ; il est doublé par le scandale que cause la non soumission de l'adversaire à ces références, scandale que suit le fréquent retour à

ce qu'Ibn Ḥazm considère comme l'orthodoxie islamique, et l'appel à la malédiction divine ; mais s'y ajoutent éventuellement des mises en cause des personnes comme telles, un peu plus pour leur caractère pervers que pour leur mauvaise religiosité. Enfin et surtout, on voit les points où ce glorificateur de la raison reste démuné et n'a guère d'autre possibilité que de s'abandonner à l'émotivité.

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IBN ḤAZM AND THE JEWISH ZINDĪQ¹

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Ibn Ḥazm (d. 456/1064) is the author of a famous refutation (referred to here simply as *Radd*) against an un-named Jew, author of a text exposing the contradictions and inconsistencies of the Qur'ān.² The Ṣāhirī scholar did not only refute the attacks made by the Jew on the sacred Muslim text, but also launched a counter-attack with a critique of the contradictions and inconsistencies found in the Torah. In addition, he took the opportunity to berate the Jews for the power they held in al-Andalus and criticised its rulers for having allowed such a situation to arise.³

This article focuses on two closely related points: the identification of Ibn Ḥazm's interlocutor and the sources used in the polemic that opposed the two figures. Researchers that have studied the affair have often expressed surprise that a Jew would venture to write a refutation of the Qur'ān. Indeed, Stroumsa has recently posited that the whole story may have been dreamt up by Ibn Ḥazm to justify his accusations against the Jews and the Taifa rulers that had permitted them to gain ascendancy over Muslims. In relation to the sources of the polemic, Stroumsa has shown the similarities existing between the arguments used by Ibn Ḥazm's adversary and those employed by Ibn al-Rāwandī (3rd/9th century) in his *Kitāb al-Dāmigh*, which were refuted by, amongst other authors, the Mu'tazilī

¹ This article is based on research carried out on religious life in al-Andalus during the Taifa period that will be published as the sixth chapter of volume VIII of the *Historia de España*, founded by R. Menéndez Pidal and directed by J.M. Jover Zamora [published as "La religión", *Historia de España R. Menéndez Pidal*, vol. VIII/1 *Los Reinos de Taifas*, coord. M.J. Viguera (Madrid: Espasa Calpe, 1994), pp. 399–496]. I would like to thank Professors J. van Ess and S. Stroumsa for their useful comments on the first version of this article.

* Translated by Ed McAllister. This translation of the original French version ["Ibn Ḥazm et le zindīq juif," *Revue de l'Occident musulman et de la Méditerranée* 63–64 (1992), pp. 81–90] was financed by the European Research Council Advanced Research Grant "Knowledge, heresy and political culture in the Islamic West, eighth-fifteenth century (KOHEPOCU)." Some bibliographical references have been updated and indicated by square brackets.

² The *Radd* has been the focus of several studies, some of which are mentioned in the bibliography. Ross Brann and David S. Powers have also announced the appearance of a monograph entitled *Judeo-Islamic Polemics in Muslim Spain: the Case of 'Alī ibn Ḥazm and Samuel the Nagid*.

³ Emilio García Gómez, "Polémica religiosa entre Ibn Ḥazm e Ibn al-Nagrila," *Al-Andalus* 4 (1936–39), p. 6f.

Abū ‘Alī al-Jubbā’ī. My aim is to show that the ‘audacity’ of a Jew pointing out the inconsistencies and contradictions of the Qur’ān, using arguments already employed by Muslims themselves, is in tune with the intellectual atmosphere of al-Andalus in the 5th/11th century.

IDENTIFYING IBN ḤAZM’S ADVERSARY

The Jewish author of the refutation of the Qur’ān (whose name—as mentioned above—is not specified by Ibn Ḥazm in the *Radd*) is usually identified as Samuel ha-Nagid (b. 382/993, d. 447/1056), known in Arabic as Ismā’īl Ibn Naghrīla (or Naghrila), a well-known Jewish scholar who became the vizier of Bādīs, the Zirid ruler of Granada.⁴ Another possibility that has been proposed⁵ is that he was in fact Samuel’s son, Yūsuf, who succeeded his father as vizier and was killed during the pogrom of Granada in 459/1066.⁶ This hypothesis is based on the judgement that writing a book attacking the Qur’ān seems to fit Yūsuf’s personality more than that of his father, who is presented in the sources as a cautious and wise man. Ibn Ḥayyān says of Samuel:

He was used to writing in Arabic, in his own name or in that of the king, using Muslim invocations of God and the Prophet when required. He spoke highly of Islam and had lengthy praise for its advantages, to the extent that his letters seemed to undertake proselytism on the part of the religion.⁷

It is for this reason that Perlmann was reticent in attributing the work to Samuel.⁸ However, Samuel has been generally accepted as the author for the following reasons:

⁴ Eliyahu Ashtor, *The Jews of Moslem Spain* 1–3. Philadelphia 1973–84, vol. 2, pp. 41–158.

⁵ On the authors that have proposed this identification, see Sarah Stroumsa, “From Muslim Heresy to Jewish-Muslim Polemics: Ibn al-Rāwandī’s *Kitāb al-Dāmīgh*,” *Journal of the American Oriental Society* 107 (1987), p. 770, n. 28.

⁶ Ashtor, *The Jews*, vol. 2, pp. 158–189. A hotly debated issue is whether Ibn Ḥazm’s *Radd* had any influence on this pogrom, a discussion also valid for the famous poem by Abū Ishāq of Elvira against the Jews (Emilio García Gómez, *Un alfaquí español: Abu Ishaq de Elvira*. Madrid/Granada 1944; Bernard Lewis, “An Anti-Jewish Ode,” *Islam in History: Ideas, Men and Events in the Middle East*. London 1973, pp. 158–165; Stroumsa, “From Muslim Heresy,” p. 772).

⁷ See the study by Angel Saénz-Badillos and Judit Targarona Borrás on the translation and edition of Samuel b. Naghrīla’s poetry (Semu’el Ha-Nagid, *Poemas I. Desde el campo de batalla de Granada 1038–1056*, Córdoba 1988).

⁸ Perlmann, “The Medieval Polemics between Islam and Judaism,” p. 109.

- a) Ibn Ḥazm stated in the *Radd* that he had previously conversed with the Jew. We know that Ibn Ḥazm and Samuel met (seemingly in Almería) in 404/1013, when both were still young and had just left Cordoba, which was under Berber rule. In their conversation, Ibn Ḥazm criticised some inconsistencies in Judaism, but nevertheless praised Samuel for his knowledge and intellectual prowess.⁹
- b) Ibn Ḥazm's attacks on the influence gained by the Jews with the support of Muslim rulers seem to correspond perfectly to the situation in Granada, where Samuel held the office of vizier.
- c) Later Muslim authors, such as Ibn Bassām (d. 543/1148) and Ibn Saʿīd (d. 685/1286), seem certain that Ibn Ḥazm's opponent in the *Radd* was indeed Samuel.¹⁰ In addition, the title of Ibn Ḥazm's refutation according to the manuscript used for the edition by Iḥsān ʿAbbās is *al-Radd ʿalā Ibn al-Naghṛila*.

Recently, Stroumsa has again argued that it seems unlikely that the cautious Samuel would have written such a daring text, highlighting the fact that Ibn Ḥazm does not mention him by name, and refers to him in terms that do not fit with what we know of Samuel's personality.¹¹ As for the difficulty of matching the description of the Jew in *Radd* with Samuel, it should not be forgotten that the author of the refutation of the Qurʾān is described as *min mutadakhirat al-zanādiqa al-mustasirrīn bi-adhall al-milal wa-ardhal al-niḥal min al-yahūd* ("one of the materialist/agnostic heretics who, among the Jews, hide behind the most contemptible religion and the vilest faith"), as well as *al-khasīs al-zindīq al-mustabṭīn fī madhhab al-dahriyya fī bāṭinihi al-mutakaffīn bi-tābūt al-yahūdiyya bi-zāhirihi* ("the ignoble heretic that inwardly professes the doctrines of the materialists, while outwardly seeks refuge under the ark of Judaism").¹² This description has been interpreted as a way of insulting Samuel, given the absence of any evidence that he was suspected of being a *zindīq* or *dahrī*.

⁹ Ibn Ḥazm, *al-Fiṣal fī l-milal wal-ahwāʾ wa-l-niḥal* 1–5, Cairo 1347 H, vol. 1, pp. 106, 118. See also Ashtor, *The Jews*, vol. 2, pp. 52–55 (where Almería is put forward as the site of the meeting, see note 31), as well as Camilla Adang, *Ibn Ḥazm on Jews and Judaism*. Doctoraalscriptie Semitische Taal-en Letterkunde. Nijmegen, 1985, p. 12f. [See now Adang, *Islam frente a judaismo*, pp. 27–28; eadem, *Muslim Writers on Judaism*, pp. 61, 67–69, 94.]

¹⁰ Ibn Bassām, *al-Dhakhīra fī maḥāsīn ahl al-jazīra* 1–8, ed. Iḥsān ʿAbbās. Libya/Tunisia 1975–79, vol. 1/2, p. 766; ʿAlī b. Mūsā Ibn Saʿīd, *al-Mughṛib fī ḥulā l-Maghṛib* 1–2, ed. Shawqī Dayf, Cairo 1964, vol. 2, p. 114.

¹¹ Stroumsa, "From Muslim Heresy," p. 771.

¹² Ibn Ḥazm, *al-Radd ʿalā Ibn al-Naghṛila al-yahūdī wa-rasāʾil ukhrā*, ed. Iḥsān ʿAbbās, Beirut 1380/1960, p. 46f.

If we are to take this description seriously, then an Andalusí Jew that fits the description must be found. We know from the information given in the *Faṣl* that Ibn Ḥazm had numerous contacts with Jews and that these generally gave rise to theological polemics. This was the case with two Jews from Almería in particular, Ismāʿīl b. Yūnus al-Aʿwar and Ismāʿīl b. al-Qarrād, both doctors, who are said to have belonged to the *dahriyya*, and would therefore have been exponents of materialism and agnosticism.¹³ This meeting seems to have taken place between 410/1020 and 420/1030,¹⁴ although Ibn Ḥazm also stayed in Almería in 429/1038, affiliated to the army of Zuhayr.¹⁵

There is therefore a possibility, worth considering, that the *Radd* was a refutation inspired by one of these Jews or a member of the same group,¹⁶ a figure that can indeed be described as a *zindīq* or *dahrī*. The Andalusí Jews belonging to the *dahriyya* and mentioned by Ibn Ḥazm were adepts of the doctrine of *takāfuʾ al-adilla* or “equivalence of proof.”¹⁷ According to this doctrine, the evidence put forward to prove different religions, whatever these may be, should be considered equally valid. The adepts of the *dahriyya* were divided into different sub-groups: Ismāʿīl b. Yūnus belonged to the group that neither denied nor affirmed the existence of

¹³ Moshe Perlmann, “Ibn Ḥazm on the Equivalence of Proofs,” *Jewish Quarterly Review* 40 (1949–50), pp. 279–290.

¹⁴ Miguel Asín Palacios, *Abenházam de Córdoba y su historia crítica de las ideas religiosas* 1–5. Madrid 1927–32, vol. 1, pp. 65–85; Ashtor, *The Jews*, vol. 2, pp. 298–300.

¹⁵ Ibn ʿIdhārī, *al-Bayān al-mughrib fī akhbār mulūk al-Andalus wa-l-Maghrib*. Tome troisième, *Histoire de l’Espagne musulmane au XI^e siècle*. Texte arabe publié pour la première fois d’après un manuscrit de Fès par E. Lévi-Provençal. Paris 1930, p. 171; ʿAbd Allāh al-Zirī, *Tibyān* = Amin Tibi, *The “Tibyan.” Memoirs of ʿAbd Allah b. Buluggin, Last Zirid Amir of Granada*. Leiden 1986, p. 58f.

¹⁶ I will not deal here with the problem of whether Samuel belonged to this group. If Samuel is not the author, the title of *al-Radd ʿalā Ibn Naḡhrila* given to the refutation by Ibn Ḥazm could be explained by the fact that, since Ibn Ḥazm did not specifically name his opponent, his identity would be forgotten with time and subsequent authors would end up identifying him with the most famous of Ibn Ḥazm’s Jewish contemporaries. It should be remembered that the name Samuel in Arabic is Ismāʿīl and seems to have been extremely common among the Jews of al-Andalus, since we have seen that the two *dahrīs* mentioned in the *Fīṣal* had the same name.

¹⁷ Ibn Ḥazm, *Fīṣal*, vol. 5, pp. 75–86. See the translations of this passage by Asín Palacios, *Abenházam*, vol. 5, pp. 329–362 and Perlmann, “Ibn Ḥazm,” p. 281f, who corrects some of the former’s readings. See also the studies by Miguel Asín Palacios, “La indiferencia religiosa en la España musulmana según Abenházam, historiador de las religiones y sectas,” *Cultura española* 5 (1907), pp. 297–320; Ashtor, *The Jews*, vol. 2, p. 299; Josef van Ess, “Skepticism in Islamic Religious Thought,” *Al-Abhath* 21 (1968), pp. 1–14, and Abdel Magid Turki, “La réfutation du scepticisme et la théorie de la connaissance dans les *Fīṣal* d’Ibn Ḥazm,” in *Théologiens et juristes de l’Espagne musulmane*. Paris 1982, pp. 159–198.

a Creator or prophecy, and that also remained ambiguous on the truth of different religions, saying only: "We are absolutely sure that the truth is to be found in one of these opinions, but we can not know in which."

Ibn Ḥazm identifies this as being the content of the doctrine of Ismā'īl b. Yūnus, even though he would not profess it openly. Ismā'īl b. al-Qarrād, on the other hand, belonged to a group that did affirm the existence of a Creator, but neither denied nor affirmed the existence of prophecy and neither accepted or refused existing religions, saying:

One of these opinions is doubtless true, but we can not know which, no more than God obliges us to accept one of them.

Ibn al-Qarrād maintained this stance when Ibn Ḥazm argued with him:

Every time we invite him to convert to Islam,¹⁸ attempting to dispel his doubts and refute his arguments, he replied: 'Conversion from one religion to another is like gambling (*talā'ub*)'.

Ibn Ḥazm added:

We have been told that some scholars devoted to rational speculation and who held a prominent position regarding religious knowledge (*ahl al-naẓar wal-riyāsa fī l-'ilm*) were of this opinion, but we were unable to verify this.

If we follow Perlmann, Ibn al-Qarrād may correspond to an anonymous opponent of Ibn Ḥazm who held that all religions are either true or false, and was seeking common ground between them.¹⁹ It seems evident that a discussion of such opinions implies debate over how to prove the veracity of a given revelation. Ibn Ḥazm was a famous polemicist, particularly on the lack of authenticity of Jewish and Christian scriptures,²⁰ a subject he dealt with not only in his written work, but also in his discussions with contemporaries. It seems logical that the Qur'ān could also be accused of the same lack of reliability by its contradictors. In my view, there is no doubt that if Ibn al-Qarrād could openly respond to Ibn Ḥazm that "conversion from one religion to another is like gambling," after the latter had tried to convert him, he could also have said that the Qur'ān contains the

¹⁸ Josef van Ess, *Die Erkenntnislehre des 'Adudaddin al-Iḥī. Übersetzung und Kommentar des ersten Buches seiner "Mawaqif."* Wiesbaden 1966, p. 227f. has concluded that the Jews mentioned by Ibn Ḥazm used the doctrine of *takāfu' al-adilla* in order to escape the pressure exerted by Muslims during religious debates.

¹⁹ Perlmann, "Ibn Ḥazm," p. 280.

²⁰ Ali Bouamama, *La littérature polémique musulmane contre le christianisme depuis ses origines jusqu'au XIII^e siècle.* Algiers 1988, pp. 52–105, 162–170.

same weaknesses and contradictions as the Old and New Testaments. In the first half of the 5th/11th century, al-Andalus was a place where anything could be discussed and indeed was discussed.²¹ A book such as the *Ṭabaqāt al-umam* by Ṣāʿid al-Ṭulayṭulī (d. 462/1070) can only be conceived of in an atmosphere of free-flowing contact between religious traditions, as the work displays the attitude of someone who did not have prejudices regarding other religious beliefs.²² Inter-religious debates in al-Andalus must often have resembled those that we know took place in Baghdad, in which only rational arguments were accepted.²³

Ibn Ḥazm had contact with the *dahrī* Jews in Almeria. His criticism of the powerful positions held by Jews in al-Andalus and the attitude of the Taifa kings²⁴ is linked not only to the situation in Granada, but also

²¹ The best example is Ibn Ḥazm's exposé of the opinions of the *dahrīs* of al-Andalus, or his statement in *Fīṣal*, vol. 6, p. 162 (trans. Asín Palacios, *Abenházam*, vol. 5, p. 123) on the Ash'arīs of the period: "They maintain that speculation on the evidence of Islam is an obligation and that one is not a true Muslim unless one undertakes this speculation. They also hold that one of the essential conditions for this speculation is to doubt the existence of God and the very truth of the prophetic mission." For more details, see my study mentioned in n. 1.

²² Ashtor, *The Jews*, vol. 2, p. 228.

²³ See the description by an Andalusī author in Maribel Fierro, *La heterodoxia en al-Andalus durante el periodo omeya*. Madrid 1987, p. 164, n. 20 [but see now Michael Cook, "Ibn Sa'dī on truth-blindness," *Jerusalem Studies in Arabic and Islam* 33 (2007), pp. 169–178]. See also Ignaz Goldziher, "Mélanges judéo-arabes," *Revue d'Etudes Juives* 47 (1903), pp. 40–46, 179–186 on this kind of free inter-confessional dialogues, such as those that took place in Baghdad during the 4th/10th–5th/11th centuries. Lastly, see Joel L. Kraemer, *Humanism in the Renaissance of Islam. The Cultural Revival during the Buyid Age*. Leiden 1986 for the general context.

²⁴ According to the translation of Moshe Perlmann, "Eleventh Century Andalusian Authors of the Jews of Granada," *Proceedings of the American Academy for Jewish Research* 18 (1948–9), pp. 281–283, Ibn Ḥazm's words were as follows: "Oh, God, we complain to Thee for the rulers of our faith absorbed in worldly affairs neglect the observance of their religion: absorbed in erecting castles [...] they do not cultivate their sacred faith which accompanies them in the life to come, in their abode eternal; absorbed in piling up riches—sometimes with results fatal to their own lives, and helpful to their enemies—they are deflected from their faith and people which gave them strength in their earthly life, and can secure to them life eternal. Non Muslims become arrogant, and infidels wag their tongues [...] It is my firm hope that God will treat those who befriend Jews and take them into their confidence as He treated the Jews [...] For whosoever amongst Muslim princes has listened to all this and still continues to befriend the Jews, holding intercourse with them, well deserves to be overtaken by the same humiliation and to suffer in this world the same griefs which God meted out to the Jews...."

in Almeria, among other Andalusī cities.²⁵ Thanks to a text by al-Dabbī,²⁶ we know of one (un-named) Jewish vizier in Almeria who was killed by ‘Abd Allāh b. Sahl b. Yūsuf al-Muqri’ (d. 480/1087), ostensibly because he insulted the Prophet.²⁷ This vizier held office between 447/1056 and 480/1087; the year 447/1056 is also that of the death of Samuel b. Naghrila, and we know that before he died, there was an Arab vizier in Almeria, Abū Ja‘far Aḥmad b. ‘Abbās, who demanded that Samuel be stripped of his position in Granada, arguing that a Jew should not command Muslims.²⁸ It seems that Yūsuf b. Naghrila considered seeking refuge in Almeria when the situation of the Jews in Granada began to deteriorate.²⁹

THE SOURCES USED IN THE POLEMIC BETWEEN IBN ḤAZM AND HIS OPPONENT

The fact that Ibn Ḥazm does not mention his opponent by name may seem surprising,³⁰ but there are other examples of this.³¹ Thus, other points are perhaps more noteworthy: Firstly, Ibn Ḥazm says he could not obtain a written copy of the Jew’s refutation of the Qur’ān. His knowledge of the work must therefore have been purely oral. Secondly, he did have a

²⁵ Bestowing high offices to Jews was extremely common in the Taifa kingdoms. For Seville, see Ashtor, *The Jews*, vol. 2, p. 197; for Toledo, *ibid.* vol. 2, p. 225; for Zaragoza *ibid.* vol. 2, pp. 238, 253–263. See also David Wasserstein, *The Rise and Fall of the Party-Kings*. Princeton 1985, pp. 190–222, as well as the review by M’hammad Benaboud in *Islamic Studies* 27 (1988), pp. 251–258.

²⁶ Aḥmad b. Yahyā al-Ḍabbī, *Kitāb Bughyat al-multamis fi tārikh rijāl ahl al-Andalus: Ulamā’uhā wa usarātuhā wa-shu’arā’uhā wa-dhawī al-nabāha fihā mimman dakhala ilayhā aw kharaja ‘anhā*, eds. Francisco Codera and Julián Ribera, Madrid 1884–85, # 928.

²⁷ See also Fernando de la Granja, “A propósito del nombre Muḥammad y sus variantes en Occidente,” *Al-Andalus* 33 (1968), pp. 231–240.

²⁸ ‘Abd Allāh al-Zirī, *Tibyān*, p. 58 and n. 132; Ashtor, *The Jews*, vol. 2, pp. 70f., 298.

²⁹ Ashtor, *The Jews*, vol. 2, pp. 179–182, 295. According to Ibn ‘Idhārī (*Bayān*, p. 265f.), Yūsuf attempted to create a Jewish state in Almeria. Ibn Ḥazm’s description of the Taifa kings (n. 12) may correspond to the ruler of Almeria, al-Mu’taṣim Muḥammad b. Ma’n b. Ṣumādīh (r. 443/1052–484/1091), in particular in relation to the construction of palaces: see Luis Seco De Lucena, “Los palacios del taifa almeriense al-Mu’tasim,” *Cuadernos de la Alhambra* 3 (1967), pp. 15–20.

³⁰ I emphasise that the name Ibn al-Naghrila appears only in the title, not in the text. I have already mentioned that later writers such as Ibn Bassām and Ibn Sa’īd thought it certain that it was Ibn al-Naghrila who wrote a refutation of the Qur’ān. I agree with Stroumsa (“From Muslim Heresy,” p. 771) that this attribution cannot be considered certain; see n. 5.

³¹ There are many examples in *Fīṣal*. See Perlmann, “Eleventh Century Andalusian Authors,” p. 272; Hartwig Hirschfeld, “Mohammedan Criticism of the Bible,” *The Jewish Quarterly Review* 13 (1901), p. 226.

copy of a refutation of the Jew's text by a Muslim whose name he does not mention either (*nuskha radda fihā 'alayhi rajul min al-muslimīn*).

Stroumsa has used these two facts to defend her hypothesis according to which the whole story of Ibn al-Naghri's attack against the Qur'ān was invented by Ibn Ḥazm himself to justify his own attacks on the Jews and the rulers of al-Andalus who had allowed them to gain such power.³² Stroumsa has made the convincing case that the arguments of Ibn Ḥazm's opponent closely resemble those found in the *Kitāb al-Dāmigh* by Ibn al-Rāwandī, a book that contained a "biting and detailed criticism which presents the Qur'ān as an absurd creation, riddled with internal contradictions."³³ Ibn al-Rāwandī also authored a work entitled *Kitāb al-Ta'dil wa-l-tajwīr*, in which he exposed the injustice of God and the futility of his creation.³⁴ In Stroumsa's view, the refutation written by an anonymous Muslim and mentioned by Ibn Ḥazm could be the refutation of the *Kitāb al-Dāmigh* written by the Mu'tazilī Abū 'Alī al-Jubbā'ī, and this would therefore be the source really used by Ibn Ḥazm.

While I am partly in agreement with Stroumsa's conclusions, she seems to end up negating any Jewish involvement in the whole affair. In my view, this participation cannot be completely ruled out.

The source used by Ibn Ḥazm's Jewish opponent, whoever he was, may well have been the written by a Muslim. Powers has pointed out that neither Ibn Ḥazm nor his opponent drew their arguments from a direct reading of the sacred texts, but rather from works written by adepts of the religion they were trying to refute.³⁵ Ibn Ḥazm could therefore find the material necessary for his refutation of the Bible in Jewish writers like Ismā'īl al-Ukbarī or Ḥiwī al-Balkhī,³⁶ much as he may have

³² Stroumsa, "From Muslim Heresy," pp. 771–721. If Ibn Ḥazm had invented the whole thing, why would he not add another lie and claim to have seen the book?

³³ Stroumsa, "From Muslim Heresy," p. 768.

³⁴ Stroumsa, "From Muslim Heresy," p. 786.

³⁵ David S. Powers, "Reading/Misreading One Another's Scriptures: Ibn Ḥazm's Refutation of Ibn Nagrella al-Yahūdī," *Studies in Islamic and Judaic Traditions*, eds. W.M. Brinner and S.D. Rick, Atlanta 1986, p. 117.

³⁶ Powers, "Reading/Misreading," p. 118. To this list can be added an Andalusī doctor from Toledo, Isaac b. Yashush (Ishāq b. Qīṣṭar to the Arabs), who died in 447/1056, and formulated critiques of the Bible (Ashtor, *The Jews*, vol. 2, p. 293). Furthermore, Saadia Gaon wrote a refutation of Ḥiwī that his Qayrawānī disciple R. Nissim b. Jacob would have known about; this theologian spent time in al-Andalus and his daughter married Yūsuf b. al-Naghri. See Goldziher, "Mélanges judéo-arabes," pp. 179–186; Ashtor, *The Jews*, vol. 2, p. 164f. Steven M. Wasserstrom, *Between Muslim and Jew: The problem of symbiosis under early Islam*, Princeton 1995, has no relevant information on this issue. [I also consulted the latter's doctoral thesis, *Species of Misbelief: a History of Muslim Heresiography of the Jews*

found his refutation of the New Testament in Christian writings.³⁷ His Jewish opponent could equally have used works written by Muslim heretics, but also by Sunnī Muslims, such as the treatises on *ikhtilāf al-Qurʾān* and *mutashābihat al-Qurʾān*.³⁸ It should not be forgotten that Jewish scholars in al-Andalus were in constant contact both with Muslim intellectual production,³⁹ whose influence on Jewish intellectual creation is well-documented,⁴⁰ and Christian production.⁴¹ Although we have no specific reference to it, the presence in al-Andalus of one of the written refutations against Ibn al-Rāwandī may be considered certain, if not in a private library, then in the famous library of al-Ḥakam II.⁴² The *Kitāb al-Damīgh* may even have been part of this collection. In any case, doctrines like that of Ibn al-Rāwandī were known in al-Andalus,⁴³ and the same doctrinal questions were present in works such as *Kitāb Fī mā saʾala ʿanhu l-mulhidūn min ay l-Qurʾān* by Quṭrub (quoted by Ibn al-Nadīm) and *Taʾwīl mushkil al-Qurʾān* by Ibn Qutayba, a treatise containing texts similar to those found in the refutation by al-Jubbāʾī of the *Kitāb al-Dāmigh*.⁴⁴

(PhD diss., University of Toronto, 1986). In the section devoted to Ibn Ḥazm (pp. 131–140), mention is made of Ibn Ḥazm's use of oral and written Jewish sources at his disposal such as *Josippon*, but the emphasis is put on just the case of the [ʿIsāwīyya].

³⁷ Ignazio Di Matteo, "Le pretese contraddizioni della S. Scrittura secondo Ibn Ḥazm," *Bessarione* 39 (1923), p. 77, n. 4.

³⁸ Powers, "Reading/Misreading," p. 117; Stroumsa, "From Muslim Heresy," p. 768.

³⁹ See Ashtor, *The Jews*, vol. 2, pp. 49f., 162 (on the library of the two Ibn Naghriḷas, with quotations from Ibn ʿIdhārī, *Bayān*, p. 276 which mentions the works of *al-ʿulūm al-islāmīyya* found in Yūsuf's library).

⁴⁰ Bernard Lewis, *The Jews of Islam*, Princeton 1984.

⁴¹ Ashtor, *The Jews*, vol. 3, p. 7. In al-Kindī's famous *Risāla*, a Christian polemical work against Islam, written in the Islamic East during the 3rd/9th century, the Qurʾān is accused of containing contradictions and nonsense. The *Risāla* may have been known in al-Andalus from the 5th/10th century. See my study cited in n. 1.

⁴² This library was censured under al-Manṣūr, but the refutation of a heretic was not likely to have been amongst the censured books (unless, of course, the refutation was deemed equally heretical). After the fall of the Umayyad caliphate, the library of al-Ḥakam II was sold and its books ended in several Andalusī cities (Fierro, *La heterodoxia en al-Andalus*, p. 161f.).

⁴³ In his *Kitāb al-Taʾdīl wa-l-tajwīr*, Ibn al-Rāwandī attacked the *ḥikma* of God, arguing that it could not be attributed to Him who was the cause of the pain and suffering of His servants: Michelangelo Guidi, *La lotta tra l'Islam e il Manicheismo. Un libro di al-Muqaffā contro il Corano confutato da al-Qasim b. Ibrahim*. Rome 1917, p. xix. The same question was debated in al-Andalus during the first half of the 3rd/9th century: Fierro, *La heterodoxia en al-Andalus*, pp. 63–70 and an updated version in "Andalusian *fatāwā* on blasphemy," *Annales islamologiques* 25 (1990), pp. 103–117.

⁴⁴ My thanks to Professor Van Ess for this information (personal correspondence 7/12/90). Van Ess also noted that "Ibn Qutaiba also has the advantage of not bringing up the problem of censorship," a problem to which I will refer below in relation to the work by al-Jubbāʾī.

This work by Ibn Qutayba had been known in al-Andalus since the 9th–10th century CE.⁴⁵

In short, the coexistence of the three religions in al-Andalus favoured the dissemination of each community's intellectual production among the other communities, so that any erudite Jew would have been aware of debates existing within Islam or Christianity. It must be concluded then that a Jew living in al-Andalus in the 5th/11th century would have been familiar with doctrines similar to those of Ibn al-Rāwandī, and may have read one of the refutations written against him. It is equally possible that a Jew could attribute a work written by a Muslim to himself: this accusation was launched by Ibn 'Abdūn (who lived between the second half of the 5h/11th century and the early 6th/12th century) in his *ḥisba* treatise,⁴⁶ in which he wrote that books on the (religious?) sciences (*kutub 'ilm*, *kutub 'ulūm*) should not be sold to Jews or Christians, lest they translate them and claim authorship (*fa-innahum yutarjimūna kutub al-'ulūm wa-yansubūnahā ilā ahlihim wa-asāqifatihim wa-hiya min tawālīf al-muslimīn*).

There seems to be no reason to disbelieve Ibn Ḥazm's claim in the *Radd* that he had been told that a Jew had written a book refuting the Qur'ān. It is highly likely that this anonymous Jew had not read the Qur'ān and did not compile its weaknesses and contradictions himself (why do so when the list was readily available from a varied literature on the subject?). He must have read either the *Kitāb al-Dāmigh* or one of its refutations, or another book of similar content. Either the Jew then reproduced these same doctrines, or someone else attributed them to him. The Jew may have used this material in discussions with other Jews, and one of these may have informed Muslims of the debates, news of which would then have reached the ears of Ibn Ḥazm. However, my hypothesis is that, in al-Andalus during the 5th/11th century, it was possible for a Jew to mention the weaknesses and contradictions in the Qur'ān in a discussion with Muslims. In fact, Ibn Ḥazm himself points out that one of his Jewish opponents, with whom he polemicised about the authenticity of the Scriptures and especially the anthropomorphism of the Old Testament,

⁴⁵ Ibn Khayr, *Fahrasat mā rawāhu 'an shuyūkhīhi min al-dawāwīn al-muṣannaḥa fi ḍurūb al-'ilm wa-anwā' al-ma'ārif* 1–2, eds. Francisco Codera and Julián Ribera, Zaragoza 1894–95, p. 67f.

⁴⁶ See Ibn 'Abdūn, *Risāla fi l-qaḍā' wa-l-ḥisba*, ed. E. Lévi-Provençal, *Journal Asiatique* 224 (1934), p. 248 and the translation by Lévi-Provençal and García Gómez (*Sevilla a comienzos del siglo XII. El tratado de Ibn 'Abdun*, Seville 1981, p. 172f.). See also Juan Vernet, *La cultura hispanoárabe en Oriente y Occidente*. Barcelona 1978, p. 109f.

counter-attacked by stating that, in the Qurʾān (Q 24:35), God is assimilated to an element.⁴⁷ In any case, Ibn Ḥazm was informed of the existence of a book against the Qurʾān written by a Jew he had already met. Whether this book was the *Kitāb al-Dāmigh* or not, Ibn Ḥazm immediately saw the link between the two. Although he could not obtain a copy, he did have access to a *nuskha radda fihā ‘alayhi rajul min al-muslimīn*. This affirmation should not be understood as a written refutation by an Andalusī Muslim⁴⁸ against a book by an Andalusī Jew, but as the refutation written by a Muslim against the original book this Jew had attributed to himself. The possibility that it was in fact the refutation of Ibn al-Rāwandī written by Abī ‘Alī al-Jubbā’ī, a Mu‘tazilī, would explain why Ibn Ḥazm did not mention his name: the *ẓāhirī* was hostile to the Mu‘tazilis and simply could not recognise that he had used one of their works as a source.⁴⁹

A list of Ibn Ḥazm’s works can be found in the *Sīyar*⁵⁰ and includes the *Kitāb al-Tarshīd fī l-radd ‘alā Kitāb al-farīd li-bn al-Rāwandī fī i’tirādihi ‘alā l-nubuwwat*. This work shows that the ideas of Ibn al-Rāwandī were known in al-Andalus during Ibn Ḥazm’s life. In the text by al-Dhahabī, the *Radd* is entitled *al-Radd ‘alā Ismā’īl al-yahūdī*, but does not specify who this Ismā’īl might be. In addition, al-Ash‘arī wrote refutations against Ibn al-Rāwandī⁵¹ and Ibn Ḥazm knew of this theologian’s work.

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⁴⁷ Asín Palacios, *Abenházam*, vol. 2, p. 301f.; Bouamama, *La littérature polémique*, p. 70, trans. of Ibn Ḥazm, *Fīṣal*.

⁴⁸ If this was the case, I see no reason for Ibn Ḥazm to omit the name of the author.

⁴⁹ See Abdel Magid Turki, *Polémiques entre Ibn Ḥazm et Bāḡī sur les principes de la loi musulmane*, Algiers 1976, p. 304 for an example in which Ibn Ḥazm uses al-Ash‘arī without naming him “for well-known doctrinal reasons.”

⁵⁰ Al-Dhahabī, *Sīyar a’lām al-nubalā’*, Beirut 1985, vol. 19 # 99.

⁵¹ Aḥmad b. Yūsuf al-Lablī, *Fihrist*, eds. Yāsīn Yūsuf ‘Ayyāsh and ‘Awar ‘Abd Rabbihi Abū Zayna, Beirut 1408/1998, pp. 109 and 113.

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PART VII

RECEPTION

SHURAYḤ AL-RUʿAYNĪ AND THE TRANSMISSION OF THE WORKS OF IBN ḤAZM

Camilla Adang

PART I: SHURAYḤ AL-RUʿAYNĪ AND HIS *IJĀZA* FROM IBN ḤAZM

Abū l-Ḥasan Shurayḥ b. Muḥammad al-Ruʿaynī was born in 451/1059 in Seville, at the time the capital of the Ṭāʾifa kingdom that was ruled by the ʿAbbādid dynasty. We have no indication that he ever left al-Andalus in order to make the pilgrimage to Mecca or to study with the leading scholars of the time as his father had. In fact, we do not even hear of visits to other cities in al-Andalus. The various appointments that he held simultaneously seem to have tied him to Seville, where he was to die in 539/1144.¹ His father, Abū ʿAbd Allāh Muḥammad b. Shurayḥ (d. 476/1083), was a well-known authority on the readings (*qirāʾāt*) of the Qurʾān, on which he wrote a number of books of which especially *al-Kāfi fī l-qirāʾāt*

¹ On Shurayḥ, see al-Ḍabbī, *Bughyat al-multamis fī tārikh rijāl ahl al-Andalus* 1–2, ed. Ibrāhīm al-Abyārī, Cairo/Beirut 1410/1989, vol. 2, p. 411 # 851; Ibn Bashkuwāl, *al-Šila* 1–3, ed. Ibrāhīm al-Abyārī, Cairo/Beirut 1410/1989, vol. 1, p. 366 # 541; Muḥibb al-Dīn Abū ʿAbd Allāh Muḥammad b. Rushayd, *Ifādat al-Naṣiḥ biʾl-taʾrīf bi-sanad al-Jāmiʿ al-Šaḥīḥ*, ed. Muḥammad al-Ḥabīb b. al-Khūja, Tunis n.d., pp. 58–66; al-Qāḍī ʿIyāḍ, *Al-Ghunya. Fihrist al-shuyūkh al-Qāḍī ʿIyāḍ*, ed. Māhir Jarrār, Beirut 1402/1982, p. 213f. # 92; Shams al-Dīn Abū ʿAbd Allāh Muḥammad al-Dhahabī, *Maʾrifat al-Qurrāʾ al-kibār ʿalā l-ṭabaqāt wa-l-aʾšār* 1–4, ed. Tayyar Altıkulaç, Istanbul 1995, vol. 2, p. 953f. # 673; idem, *Siyar aʾlām al-nubalāʾ* 1–25, ed. Shuʾayb al-Arnaʾūṭ et al., Beirut 1981–85, vol. 20, pp. 142–144 # 85; idem, *Taʾrikh al-Islām wa-wafayāt al-mashāhīr wa-l-aʾlām* 1–52, ed. ʿUmar ʿAbd al-Salām Tadmuri, Beirut 1410–21/1990–2000, vol. 36 (years 521–540), pp. 500–502 # 418; Shams al-Dīn Abū l-Khayr Muḥammad b. al-Jazarī, *Ghāyat al-Nihāya fī ṭabaqāt al-qurrāʾ. Das biographische Lexikon der Koranlehrer von Šamsaddīn Muḥammad Ibn al-Ġazārī*, eds. Gotthelf Bergsträsser and Otto Pretzl, 3 parts in 2 vols., Cairo 1932, vol. 1, p. 324f. # 1418; al-Suyūṭī, *Bughyat al-wuʾāt fī ṭabaqāt al-lughawīyyīn wa-l-nuḥāt* 1–2, ed. Muḥammad Abū l-Faḍl Ibrāhīm, Beirut n.d., vol. 2, p. 3 # 1292. I have omitted the *Wafayāt* works that merely mention his date of death. Secondary literature: Miguel Asín Palacios, *Abenházam de Córdoba y su historia crítica de las religiones* 1–5, Madrid 1927–32, vol. 1, p. 294f.; Rachid El Hour, “La transición entre las épocas almorávide y almohade vista a través de las familias de ulemas,” *Biografías almohades I* [Estudios Onomástico-Biográficos de al-Andalus, IX], eds. Maribel Fierro and María Luisa Ávila, Madrid, Granada 1999, pp. 300–302; editor’s introduction in Shurayḥ’s *al-Jamʿ wa-l-tarjīḥ li-mā nfarada bihi Yaʿqūb b. Ishāq al-Ḥadramī al-Baṣrī*, pp. 13–16, which includes a list of his works; “Ibn Šurayḥ, Abū l-Ḥasan,” *Biblioteca de al-Andalus*, vol. 5, p. 444f. # 1219.

al-sab' was in great demand.² His mother, too, is said to have been an expert on *qirā'āt* and to have had students of her own whom she taught from behind a curtain.³ Their son Shurayḥ transmitted his father's works and became an authority on *qirā'āt* in his own right. In addition, he was a respected scholar of *ḥadīth* and a specialist in Arabic language and literature. Dominique Urvoy describes him as one of the most influential scholars of al-Andalus in his day.⁴ For much of his long life, which straddled the Tā'ifa and Almoravid periods, Shurayḥ acted as Qur'ān reciter, Friday preacher and imam in the congregational mosque of Seville.⁵ For a while he also held the position of *qāḍī*, but this does not seem to have stopped him from officiating in the mosque as well. It seems that the Almoravids, who in 484/1091 put an end to 'Abbādid rule, saw no reason to replace Shurayḥ, not even after he reminded the Almoravid emir 'Alī b. Yūsuf b. Tāshfin in one of his sermons that while it is the duty of the believers to obey their rulers, the latter should, in turn, protect the lives and interests of their subjects, in the same way that the earlier caliphs had.⁶ The biographical dictionaries, *barāmij* and *fahāris* list scores of students,

² *Al-Kāfi fi l-qirā'āt al-sab' li-l-imām al-muqri'* Abī 'Abd Allāh Muḥammad b. Shurayḥ al-Ru'aynī al-Ishbīlī al-Andalusī (t. 476 H), ed. and study Sālim b. Ghurm Allāh al-Zahrānī, MA thesis, Jāmi'at Umm al-Qurā, Mecca 1419/1998, and *Al-Kāfi fi l-qirā'āt al-sab'*, ed. Jamāl al-Dīn Muḥammad Sharaf, Tanta 2004. On Abū 'Abd Allāh Muḥammad b. Shurayḥ, see al-Dhahabī, *Ma'rīfat al-Qurrā'*, vol. 2, p. 824f. # 535; *Sīyar a'lām al-nubalā'*, vol. 19, p. 554f. # 284; idem, *Tārikh al-Islām*, vol. 32 (years 471–480), p. 179 # 185; Ibn al-Jazarī, *Ghāyat al-Nihāya*, vol. 2, p. 153 # 3062; "Ibn Šurayḥ, Abū 'Abd Allāh," *Biblioteca de al-Andalus*, vol. 5, pp. 442–444 # 1218.

³ On Umm Shurayḥ, see María Luisa Ávila, "Women in Andalus Biographical Sources," (eds.), *Writing the Feminine: Women in Arab Sources*, eds. Manuela Marín and Randi Deguilhem, London/New York 2002, p. 158; El Hour, "La transición," p. 301.

⁴ Dominique Urvoy, *Le monde des ulémas andalous du V/XI^e au VII/XIII^e siècle. Etude sociologique*. Geneva 1978, pp. 172–175.

⁵ He is assumed to have been a Mālikī. Some authors, like al-Dhahabī, say so explicitly, whereas others do not mention his *madhhab* affiliation, apparently assuming that since he lived in al-Andalus, he must have been a Mālikī. Asín Palacios (*Abenḥāzam*, vol. 1, p. 294f.) includes Shurayḥ among the "discípulos directos" of Ibn Ḥazm and discusses him in the chapter on the latter's "school," despite the fact that none of the Arabic sources describes Shurayḥ as a Ḍāhirī. In a recently compiled *Ṭabaqāt ahl al-ḏāhir*, too, Shurayḥ is listed, clearly on the basis of his connection to Ibn Ḥazm. However, as will be seen, not everyone who was in contact with Ibn Ḥazm during his lifetime or transmitted his works after his death, was necessarily a Ḍāhirī, nor did every scholar who is known to have been a Ḍāhirī transmit works by Ibn Ḥazm.

⁶ See María J. Viguera, "Un sermón político de Šurayḥ al-Ru'aynī," *Homenaje al Prof. Darío Cabanelas Rodríguez, O.F.M., con motivo de su LXX aniversario*, Vol. II. Granada 1987, pp. 143–146; the Arabic text of this and other sermons by Shurayḥ may be found in Abū l-Qāsim Muḥammad b. 'Abd al-Ghaffār al-Kalā'i, *Iḥkām ṣan'at al-kalām*, ed. Muḥammad Riḍwān al-Dāya, Beirut [1966], pp. 177–180.

some of whom are said to have undertaken long journeys in order to join Shurayḥ.⁷ The works they were most eager to hear and copy out were his father's, as well as his own writings on the *qirā'āt*. In addition, Shurayḥ is known to have transmitted a large number of works in the fields of grammar, readings and exegesis of the Qur'ān, *ḥadīth*, law and poetry by authors from al-Andalus and the Mashriq.⁸ But what stands out particularly in Shurayḥ's biography—although not nearly all authors see fit to include this detail—is that he was one of the very few people known to have received an *ijāza* from Ibn Ḥazm.⁹ In fact, he was the last person who

⁷ See, for example, Ibn al-Jazarī, *Ghāyat al-Nihāya*, vol. 1, p. 325; al-Qāsim b. Yūsuf al-Tujībī, *Barnāmaj al-Tujībī*, ed. 'Abd al-Ḥafīz Maṣṣūr, Libya/Tunis 1981, *passim*; Ibn 'Abd al-Malik al-Marrākushī, *al-Dhayl wa-l-Takmila*, vol. 6, ed. Iḥsān 'Abbās, Beirut 1973, *passim*; al-Dhababī, *al-Mustamlah min Kitāb al-Takmila*, *passim*. Among Shurayḥ's closest and most prominent students was the historian and *ḥadīth* scholar Ibn Bashkuwāl (d. 578/1183), author of the important biographical dictionary *Kitāb al-Ṣila fi tārīkh a'immat al-Andalus*, see M. Ben Cheneb—M. Huici Miranda, "Ibn Bashkuwāl," *The Encyclopaedia of Islam*. New Edition, vol. 3, p. 733f.; C. de la Puente, "Ibn Baṣkuwāl, Abū l-Qāsim," *Enciclopedia de al-Andalus*, vol. 1, pp. 583–589 # 313. Many of those who list Shurayḥ among their teachers, or of whom it is said that they transmitted from him, may in fact simply have received written authorization from him. On the related genres of *barāmij*, *fahāris* and *mashāyikh*, and their value for the study of the religious and intellectual history of the Islamic West, see 'Abd al-'Azīz al-Ahwānī, "Kutub Barāmij al-'ulamā' fi l-Andalus," *Majallat al-Ma'had li-l-Makhtūṭāt al-'Arabīyya* 1 (1955), pp. 91–120; Hānī Ṣubḥī al-'Amad, *Kutub al-Barāmij wa-l-fahāris al-Andalusīyya. Dirāsa wa-taḥlīl*, Amman 1993; 'Abd Allāh al-Murābiṭ al-Targhī, *Fahāris 'ulamā' al-Maghrib mundhu l-nash'a ilā nihāyat al-qarn al-thānī 'ashar li-l-hijra. Manhajīyyatuhā, taṭawwuruhā, qīmatuhā al-'ilmīyya*, Tetuan 1420/1990; Vizcaino Plaza, *La Farsa de Ibn Jayr*, pp. 13–31. For an inventory of these texts, see 'Abd al-Ḥayy b. 'Abd al-Kabīr al-Kattānī, *Fihris al-Fahāris wa-l-athbāt wa-mu'jam al-ma'ājim wa-l-mashaykhāt wa-l-musalsalāt* (bi-'tinā' Iḥsān 'Abbās) 1–3, Beirut 1402/1982.

⁸ See especially Ibn Khayr, *Fahrasat mā rawāhu 'an shuyūkhī min al-dawāwīn al-muṣannafa fi ḍurūb al-'ilm wa-anwā' al-ma'ārif* 1–2, eds. Francisco Codera and J. Ribera Tarragó, Zaragoza 1936, *passim*.

⁹ The only other scholars known to have received Ibn Ḥazm's *ijāza* are the Ṣāḥirīs Abū 'Abd Allāh Muḥammad al-Ḥumaydī (d. 488/1095) and Abū 'Amr Bakr b. Khalaf b. Kawthar (d. before or in 505/1111); see my "The Spread of Ṣāḥirism in al-Andalus in the Post-Caliphal Period: The evidence from the biographical dictionaries," *Ideas, Images, and Methods of Portrayal. Insights into Classical Arabic Literature and Islam*, ed. Sebastian Günther, Leiden 2005, pp. 313–317, 320–321. Whereas the license issued to the former probably applied to Ibn Ḥazm's complete works, in the case of Ibn Kawthar we only hear of the *Muḥallā* being transmitted with an *ijāza*. We have information about several other men who studied extensively with Ibn Ḥazm, such as the Ṣāḥirīs Abū l-Najāḥ Ṣālim b. Aḥmad b. Faṭḥ (d. 461/1069) and Abū Bakr 'Abd al-Bāqī b. Burrāl or Buryāl (d. 502/1109); see on them Adang, "The Spread of Ṣāḥirism," pp. 310–311, 318–320. The latter transmitted writings by Ibn Ḥazm to his student Ibn Marzūq, who in turn transmitted them to the famous *ḥadīth* scholar al-Silafī in Alexandria, as will be seen. Abū Muḥammad 'Abd Allāh b. al-'Arabī (d. 493/1099), while not himself a Ṣāḥirī, had been one of Ibn Ḥazm's most loyal students and with a few exceptions managed to study all his works, said to have numbered four hundred, with him; see al-Dhababī, *Siyar al-'ālam al-nubalā'*, vol. 20, p. 201. In none of the

received the Ṣāhirī scholar's permission to transmit his works, as well as some selected other writings to which Ibn Ḥazm clearly attached great importance, such as the *Sunan* of al-Nasā'ī.

Ibn Ḥazm, now, died in 456/1064 while Shurayḥ, as was mentioned above, was born in 451/1059. He can therefore have been no more than five years old when he received the *ijāza*. The sources that mention this *ijāza* (Ibn Bashkuwāl, Ibn Rushayd, al-Ḍabbī and al-Dhahabī, but not Qāḍī 'Iyāḍ, al-Suyūṭī, Ibn al-Jazarī and others) do not elaborate on the circumstances in which it was obtained, which raises the question whether it was received in writing or conferred upon Shurayḥ in person during one or more study sessions with Ibn Ḥazm. If the latter, it may be assumed that he was taken there by his father Abū 'Abd Allāh. This would not have been at all unusual, as it was common practice in al-Andalus as well as other parts of the Muslim world. According to Jonathan Berkey, "[...] it became routine for scholars to bring their children with them to sessions in which a collection of ḥadīth or some other book was being recited, and for the presiding shaykh to issue *ijāzas* to the well. It was not at all unusual for men or women to have received *ijāzas* at ages as young as four, three, or even two years."¹⁰ Fathers who requested the *ijāza* of a famous scholar apparently saw this as a good investment in their children's future. (Though whether a license to transmit from the controversial Ibn Ḥazm was indeed a good investment is a matter for discussion; I shall come back to this point later.)¹¹ However, since very young children would not usually be capable of fully absorbing the materials taught, are unlikely to have taken notes and would hardly be able to read them back to the teacher for his approval, as was the common procedure in teaching sessions, the permits effectively applied to written notes or copies produced by others, including (and preferably) copies produced during the sessions attended by the *ijāza*'s recipient. If Shurayḥ did attend any study sessions with Ibn Ḥazm, this was most likely in Seville, before a number

sources is it ever said that he received formal permission from Ibn Ḥazm to transmit these works, and none of the known chains of transmission of Ibn Ḥazm's works mentions Abū Muḥammad b. al-'Arabī, except in one case: a fragment of poetry that Ibn Ḥazm composed upon having to leave Seville and that was subsequently transmitted by Ibn al-'Arabī to his fellow-Andalusī Ibn Sarḥān when the two met in Baghdad.

¹⁰ Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo. A Social History of Islamic Education*, Princeton 1992, p. 32. See also G. Vajda, "Idjāza," *The Encyclopaedia of Islam*. New Edition, vol. 3, pp. 1020–1021. Ibn Ḥazm's student al-Ḥumaydī is said to have started attending the lectures of the *faqīh* and *muḥaddith* Abū l-Qāsim Aṣḥab al-Lakhmī (d. ca. 440/1048) as a child, seated on the shoulders of an older student.

¹¹ Asín Palacios, *Abenházam*, vol. 1, p. 294f.

of Ibn Ḥazm's books were publicly burned in that city and before he withdrew to his family's estate near Niebla; it is unlikely that Shurayḥ's father would have been eager to obtain an *ijāza* to transmit books that had been officially condemned and destroyed because of their objectionable content and whose author faced ostracism.¹² In fact, even before the burning, possession of a license from Ibn Ḥazm would probably have been looked at askance, for the author had consistently been provoking the wrath of the religious establishment and the political authorities for decades. The request for an *ijāza* was therefore a courageous step that must reflect considerable respect for Ibn Ḥazm's knowledge (if not, perhaps, agreement with all his views) on the part of Shurayḥ's father.¹³

As may be seen in the Appendix, the most common way to indicate Shurayḥ's transmission from Ibn Ḥazm is by the word *ʿan(hu)*, from (him). Other indications are *qāla*, *ḥaddathanā*, *akhbaranā*, *anbaʿanā* and *ajāza lī*: Ibn Ḥazm said, told us, reported to us, informed us and issued a license to me, respectively. Some of these terms may be used either for oral or for written communication. Twice, however, it is clearly the sense of written communication that is conveyed, namely with the expressions *kataba ilayya* and *ʿanhu kitābatan*: "he wrote to me" and "received from him in writing." The overall impression is that Shurayḥ did attend one or more lectures by Ibn Ḥazm in person, but also received his *ijāza* in writing, perhaps along with additional written materials. In any case, Shurayḥ's *ijāza* from Ibn Ḥazm gave him the authority to teach and transmit the contents of his works from copies believed faithfully to represent the original writings.¹⁴ Shurayḥ himself may have seen his inheritance as more of a liability than an asset, as may be inferred from the following passage from al-Dhahabī:¹⁵

¹² According to the (unnamed) author of the entry on Shurayḥ in the indispensable Spanish reference work *Biblioteca de al-Andalus* (vol. 5, p. 444), Shurayḥ must have studied with Ibn Ḥazm during the latter's stay in Seville.

¹³ See Urvoy, *Le monde des ulémas*, p. 166f.: "meme attribuée artificiellement [l'*ijāza*] est significative des pôles auxquels le sujet a voulu se rattacher." Another scholar who had great respect for Ibn Ḥazm's learning and his devotion to the Sunna of the Prophet, while at the same time condemning some of his views, was the famous *ḥadīth* scholar and historian Shams al-Dīn al-Dhahabī (d. 748/1318), about whom more below.

¹⁴ We know of at least two *Ẓāhirī* scholars who specialized in producing copies of works by Ibn Ḥazm: Abū l-Najāḥ Ṣālim b. Aḥmad b. Faṭḥ (see n. 9), who had made a name for himself by producing copies of Ibn Ḥazm's works, and Abū Muḥammad ʿAbd Allāh b. Marzūq, to be discussed below. See on him Adang, "The Spread of *Ẓāhirism*," p. 321f.

¹⁵ Al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, vol. 20, p. 143; idem, *Tārīkh al-Islām*, vol. 36 (years 521–540), p. 500 (the entry on Shurayḥ).

Abū l-Walīd b. al-Dabbāgh¹⁶ said: [Shurayḥ] had an *ijāza* from Ibn Ḥazm; I heard from a reliable and distinguished companion of ours that he told him so. Now, I do not know anyone else among our *shaykhs* who had anything from Ibn Ḥazm. I asked him whether Ibn Ḥazm gave him his *ijāza*, and he kept silent. I reckon he kept silent about Ibn Ḥazm because of the latter's *madhhab*.

Ibn al-Dabbāgh seems to be wondering why apart from Shurayḥ no other leading *shaykh* transmitted any material from such an important scholar, but in fact he provides the answer himself when he says that it must have something to do with Ibn Ḥazm's *madhhab*. While this may be a reference to the Zāhirī school, which was regarded with suspicion in the Almoravid period, it is also possible that Ibn al-Dabbāgh means the way Ibn Ḥazm gave expression to his Zāhirism, with his virulent attacks on the *muqallidūn* among the Mālikīs.¹⁷ It is not unlikely that there were, in fact, additional recipients of works by Ibn Ḥazm that Ibn al-Dabbāgh was unaware of because they kept a low profile: if Shurayḥ could keep quiet about the connection, so could others. At least until the beginning of the Almohad period, a year after Shurayḥ's death, an *ijāza* from Ibn Ḥazm was not the kind of calling card that opened doors.

PART II: SHURAYḤ'S TRANSMISSIONS

Any possible misgivings on his part notwithstanding, Shurayḥ made Ibn Ḥazm's works available to those who were interested in studying them; the *ijāza* was clearly more than just a collector's item for him. But they were obviously not part of Shurayḥ's regular teaching curriculum, which seems to have consisted mainly of works on *qirā'āt*. Apparently, there were only very few takers. This need not surprise us, given Ibn Ḥazm's terrible reputation: he had personally offended many of his contemporaries either in his writings or in correspondence, conversations and disputations with them. The decades following Ibn Ḥazm's death, which coincide with

¹⁶ Scholar of law, *ḥadīth* and genealogy, died in 546/1151. See on him "Ibn al-Dabbāgh, Abū l-Walīd," *Biblioteca de al-Andalus*, vol. 3, pp. 40–42 # 422.

¹⁷ For some samples of Ibn Ḥazm's anti-Mālikī polemics, see my "This day have I perfected your religion for you'. A Zahiri conception of religious authority," *Speaking for Islam. Religious Authorities in Muslim Societies*, eds. Gudrun Krämer and Sabine Schmidtke, Leiden 2006, pp. 5–48 and "Restoring the Prophet's Authority, Rejecting Taqlid: Ibn Ḥazm's 'Epistle to the One who Shouts from Afar'," *Commanding Knowledge: Religious Authority and Spiritual Power in Islam with Jewish Perspectives*, eds. Daphna Ephrat and Meir Hatina [forthcoming].

Shurayḥ's early career, saw a steep rise in the number of refutations of his works written by Mālikī scholars in al-Andalus.¹⁸ In order to write their polemical works, these authors needed, of course, to acquaint themselves with Ibn Ḥazm's writings, but we do not find these polemicists among the students of Shurayḥ; they must, therefore, have obtained them elsewhere.¹⁹

Among Shurayḥ's students we encounter a number of Ṣāḥirīs, namely Ibn al-Shabūqī (d. in or after 529/1134), Ibn Abī Marwān (d. 549/1154), his relative by marriage Sa'd al-Su'ūd b. 'Ufayr (d. 588/1192), 'Abd al-Raḥmān al-Umawī (d. 580/1184) and Ibn Ḥazm's great-grandson, Abū 'Umar Aḥmad b. 'Alī b. Ḥazm (d. ca. 543/1148).²⁰ Although as adherents to the outward sense of the Qur'ān these men would naturally be interested in what Shurayḥ had to say about the *qirā'āt*, it may be assumed that they, and especially the last person in the list, took a special interest in the works of Ibn Ḥazm and may have studied them with Shurayḥ.²¹ However, we possess no explicit information that would confirm this. Reliable information about such activity is found only with regard to one Ṣāḥirī, Abū l-Qāsim Aḥmad b. Yazīd b. Baqī (d. 625/1228), who received Shurayḥ's *ijāza* shortly before the latter's death, and who features in the chain of transmitters of a number of books by Ibn Ḥazm, as will be seen below.

In what follows, I shall present the five direct students of Shurayḥ who are known to have received works by Ibn Ḥazm from him, either in person or in writing. With the possible exception of Ibn Khayr, all of them passed all or some of these works on to some of their own students, as

¹⁸ See Samīr al-Qaddūrī, "Al-Rudūd 'alā bn Ḥazm bi-l-Andalus wa-l-Maghrib min khilāl mu'allafāt 'ulamā' al-Mālikiyya," *Al-Aḥmadiyya* 13 (1424/2003), pp. 271–346; Tawfīq al-Ghalabzūrī, *Al-Madrassa al-ṣāḥiriyya bi-l-Maghrib wa-l-Andalus*, Riyadh 1427/2006.

¹⁹ The other possible lines of transmission will be discussed in a future publication. Not all polemicists can have been as fortunate as Abū Bakr b. al-'Arabī (d. 543/1148), whose father Abū Muḥammad had studied with Ibn Ḥazm in person (see n. 9 above). Abū Bakr must have had easy access to the writings he so detested. For a sample of his strictures against Ibn Ḥazm, see *al-'Awāṣim min al-qawāṣim*, ed. 'Ammār al-Ṭālibī, Cairo 1417/1997, pp. 248–250, 258f. On Abū Bakr and his father, see Adang, "The Spread of Ṣāḥirism," pp. 297–299. Al-Dhahabī vigorously defends Ibn Ḥazm in the entry on him in *Siyar a'lām al-nubalā'*, saying that Abū Bakr b. al-'Arabī does not even come close to Ibn Ḥazm's rank in scholarship.

²⁰ See on them Adang, "The Spread of Ṣāḥirism" and eadem, "Ṣāḥirīs of Almohad Times," *Biografías almohades*, II [Estudios Onomástico-Biográficos de al-Andalus, X], eds. Maribel Fierro and María Luisa Ávila, Madrid, Granada 2000, pp. 413–479. Another descendant of Ibn Ḥazm, Abū 'Umar Aḥmad b. Muḥammad, may also have transmitted from Shurayḥ.

²¹ In the case of Ibn Ḥazm's great-grandson(s), any works of their ancestor received from Shurayḥ may just have supplemented what was being transmitted within the family; see my "The Spread of Ṣāḥirism," pp. 304–410.

will be seen. The ways in which this transmission took place are charted in the Appendix. The numbers given in the discussion below correspond with the numbers in the Appendix.

A. *Ibn Khayr*

Abū Bakr Muḥammad b. Khayr b. ʿUmar b. Khalīfa al-Lamtūnī al-Ishbīlī is the author of a *Fahrassa*, a catalogue of all the writings that he had studied with his numerous teachers, among them many for which he received their license to transmit. Extremely rich in detail, it constitutes an invaluable source for the intellectual, religious and literary history of al-Andalus.²² Shurayḥ figures very prominently in the *Fahrassa* as Ibn Khayr had studied with him for many years and received a large number of works through him, including several works by Ibn Ḥazm. Ibn Khayr mentions the following titles:²³

Risāla fī faḍl al-Andalus (A.1.); *Jawāb Qaṣīdat Niqfūr* (A.2.); *Qaṣīda mīmīyya* (A.3.); *Qitʿa* [...] *bāʿīyya* (A.4.); *Fahrassat Ibn Ḥazm* (A.5.); *Tawālīf Ibn Ḥazm* (A.6.). Ibn Khayr's references to these works reveal the various ways in which he studied them with Shurayḥ, as can be seen in the Appendix. Although in three cases (A.1., 4. and 6.) the phrase used is *ḥaddathanī bihā* (or: *bi-dhālīka*) ... *Shurayḥ*: "Shurayḥ told me ...," which probably simply implies oral transmission, in the three remaining cases (A.2., 3. and 5.) the phrase used is *ḥaddathanī bihā* ... *Shurayḥ qirʾatan minnī ʿalayhi*, which means that Ibn Khayr read his copy of the work, which was first read or dictated to him by Shurayḥ, back to the latter, who would add a comment in the manuscript confirming that a reading session had taken place. Of the works mentioned, the *Risāla fī faḍl al-Andalus* (A.1.) has come down to us, though interestingly enough not as an independent work: it was preserved thanks to the fact that al-Maqqarī (d. 1041/1632) included it in his *Nafḥ al-ṭīb*.²⁴ *Jawāb Qaṣīdat Niqfūr* (A.2.),

²² On the man and his work, see Ch. Pellat, "Ibn Khayr al-Ishbīlī," *The Encyclopaedia of Islam*. New Edition, vol. 3, p. 837; Juan Manuel Vizcaino Plaza, *La Fahrassa de Ibn Jayr* (m. 575/1180), [Estudios Onomástico-Biográficos de al-Andalus, XII], Madrid 2002, pp. 33–43; idem, "Ibn Jayr," *Biblioteca de al-Andalus*, vol. 3, 719–23 # 712; idem, "Vida y obra de Ibn Jayr (m. 575/1179)," *Biografías almohades I* [Estudios Onomástico-Biográficos de al-Andalus, IX], eds. Maribel Fierro and María Luisa Ávila, Madrid/Granada 1999, pp. 307–349.

²³ Asín Palacios, *Abenházam*, vol. 1, pp. 272, 294f. On p. 295 n. 352, which creates the impression that *Tawq al-ḥamāma* and *Naḥḥ al-ʿarūs* were among the works of Ibn Ḥazm that Ibn Khayr transmitted from Shurayḥ, is to be corrected.

²⁴ Ibn Khayr, *Fahrassa*, p. 226/1, 276 # 410. The first reference is to the edition by Codera, the second to the one by al-Abyārī. On the work, see Puerta Vélchez # 26. An edition of

the refutation in rhyme of a polemical poem that had been addressed close to a century earlier by the Byzantine emperor Nicephorus Phocas (regn. 963–969) or on his behalf to the Abbasid Caliph al-Muṭīʿ (regn. 334/946–363/974) has also been preserved.²⁵ Poems (A.3.) and (A.4.), a poem ending in *mīm* and a fragment of a poem ending in *bāʾ* are included in the so-called *Dīwān* of Ibn Ḥazm.²⁶ Unfortunately, Ibn Ḥazm's *Fahrassa* (A.5.), which would have listed the names of his teachers, has apparently not survived.²⁷ It might have shown us whether he had any Ṣāḥirī teachers apart from Abū l-Khiyār Masʿūd b. Sulaymān b. Muflit (d. 426/1035) and whether his knowledge of Shāfiʿī *fiqh* was really solely derived from books, as is often assumed, or whether he benefited from contacts with one or more Shāfiʿī scholars. The last reference in Ibn Khayr's *Fahrassa* to works by Ibn Ḥazm studied with ShurayḤ is *Tawālīf*... *Ibn Ḥazm* (A.6.).²⁸ This seems to mean the list of works by Ibn Ḥazm for which Ibn Khayr had an *ijāza* from ShurayḤ. However, unlike ShurayḤ himself, he seems to have collected *ijāzas* rather than putting them to use. With the possible exception of (A.6.), we have no evidence that Ibn Khayr transmitted the works of Ibn Ḥazm onwards, although it is not inconceivable that he did: with the coming of the Almohads, the Ṣāḥirī scholar was more than

the text, extracted from al-Maqqarī's *Nafḥ al-ṭib*, was included by Iḥsān ʿAbbās in his four-volume collection of epistles and shorter tracts by Ibn Ḥazm; see *Rasāʾil Ibn Ḥazm*, vol. 2, pp. 171–188. It was translated by Ch. Pellat in his "Ibn Ḥazm, bibliographe et apologiste de l'Espagne musulmane," *Al-Andalus* 19 (1954), pp. 53–102.

²⁵ Ibn Khayr, *Fahrassa*, p. 410/2, 536f. # 1178. On the poem, see Puerta Vilchez # 141; Nizar F. Hermes, "The Byzantines in Medieval Arabic Poetry: Abu Firas' *Al-Rumīyyat* and the Poetic Responses of al-Qaffal and Ibn Hazm to Nicephorus Phocas' *Al-Qasida al-Arminiyya al-Maʿluna* (The Armenian Cursed Ode)," *BYZANTINA SYMMEIKTA* 19 (2009), pp. 35–61. For the text, see *Dīwān Ibn Ḥazm*, pp. 52–62. Ibn Ḥazm's poem was known to Ibn Kathīr and al-Subkī, though we do not know how it reached them.

²⁶ (3.) Ibn Khayr, *Fahrassa*, p. 417/2, 545 # 1212. The modern publication entitled *Dīwān Ibn Ḥazm* is a selection of poems included in the unique, but very late, manuscript of that title which, upon closer inspection, was found to contain not a few poems by Abū l-ʿAlāʾ al-Maʿarrī (d. 449/1057). See the editor's introduction to *Dīwān Ibn Ḥazm*, and al-Ṭāhir Aḥmad Makki, *Dirāsāt ʿan Ibn Ḥazm wa-kitābihi* Ṭawq al-ḥamāma, Cairo 1993, pp. 287–293. *Dīwān Ibn Ḥazm*, p. 37, contains a poem ending in ا which opens with the verse quoted here by Ibn Khayr. It is eighty verses long, although Ibn Khayr gives seventy-three as the total number of verses. (4.) Ibn Khayr, *Fahrassa*, pp. 417f./2, 545 # 1213. Ibn Khayr mentions the first line of the poem, and adds that it is eight verses long. Apart from ShurayḤ, Abū l-Ḥasan ʿAbbād b. Sarḥān also transmitted the poem to Ibn Khayr on the authority of Ibn Ḥazm's student Abū Muḥammad b. al-ʿArabī; see n. 9. *Dīwān Ibn Ḥazm*, p. 77 contains a poem ending in ب, which includes the verse quoted by Ibn Khayr, but contrary to what the latter states, it is fifty-nine verses long here. On Ibn Ḥazm's poetry in general, see Puerta Vilchez # 95 (80 verses).

²⁷ Ibn Khayr, *Fahrassa*, p. 429/2, 561 # 1282.

²⁸ Ibn Khayr, *Fahrassa*, p. 446/2, 580 # 1375.

rehabilitated and there must have been a market for his writings, though not, perhaps, the ones received by Ibn Khayr: one would expect there to be a greater demand for works in the realm of *fiqh*. If we look at the titles studied by Ibn Khayr, we cannot but conclude that he was not interested in Ibn Ḥazm's more confrontational writings. None of the works he mentions bears the characteristic hallmarks of Ibn Ḥazm's brand of Zāhirism and none of them is likely to have caused him or anyone else offense.²⁹ The titles reflect Ibn Khayr's choice rather than Shurayḥ's, for as we shall see, the latter also taught the *Muḥallā* and *Ibtāl al-qiyās*, both of which contain a good deal of polemic against all the schools of law and their eponymous founders, including Mālik. The list of Ibn Ḥazm's works (A.6.) may well have found its way to al-Dhahabī, though: his biography of Ibn Ḥazm in *Sīyar a'lām al-nubalā'* contains the longest list of works by Ibn Ḥazm that we have. Since we have no indication that al-Dhahabī was familiar with all these works—although, as will be seen, he received and transmitted several—it is highly likely that he had access to a ready-made list, which may have been transmitted by Shurayḥ.³⁰ I shall come back to the *isnād* linking Shurayḥ to al-Dhahabī below.

B. 'Abd al-Ḥaqq al-Azdī al-Ishbīlī

The *ḥadīth* scholar and *faqīh* Abū Muḥammad 'Abd al-Ḥaqq al-Azdī al-Ishbīlī, also known as Ibn al-Kharrāṭ,³¹ who was a student of the Zāhirī Ibn Abī Marwān (see above), studied several works by Ibn Ḥazm with Shurayḥ and then taught them to the famous mystic Muḥyī al-Dīn b. al-'Arabī, another man with proven Zāhirī tendencies.³² It is highly likely

²⁹ Apart, perhaps, from Christians in al-Andalus who cannot have liked the polemics against their religion contained in the *Reply to Nicephorus*.

³⁰ The most detailed list to date is that by J.M. Puerta Vilchez included in this volume. The importance of al-Dhahabī is clear throughout the article.

³¹ Cristina de la Puente, "Ibn al-Jarrāṭ, 'Abd al-Ḥaqq," *Biblioteca de al-Andalus*, vol. 3, pp. 626–629 # 693.

³² See 'Abd al-Rahmān Badawī, "Autobibliografía de Ibn 'Arabī," *Al-Andalus*, 20 (1955), p. 114f. The list of publications on Ibn al-'Arabī (revered by many as *al-Shaykh al-Akbar*) is sheer endless. I shall mention only Claude Addas, *Quest for the Red Sulphur. The Life of Ibn 'Arabī*, trans. from the French by Peter Kingsley, Cambridge 1993, and J. Lirola Delgado et al., "Ibn al-'Arabī al-Ṭā'i/al-Ḥatimī, Muḥyī al-Dīn," *Biblioteca de al-Andalus*, vol. 2, pp. 158–332 # 299. The question if Ibn al-'Arabī was a Zāhirī or not is much disputed. The fact that Ibn 'Arabī states that he is not one of those who say "I follow Ibn Ḥazm" does not constitute a denial of Zāhirī tendencies, as is believed by some, but rather a rejection of *taqlīd*, which would have met with Ibn Ḥazm's approval. See Ibn 'Arabī, *Les Illuminations de La Mecque. The Meccan Illuminations. Al-Futūḥāt al-Makkiyya*. Textes choisis/Selected Texts présentés et traduits de l'arabe en français ou en anglais sous la direction de Michel

that these works included the *Muḥallā*.³³ 'Abd al-Ḥaqq wrote an abridgement of this work, and it is not unreasonable to assume that he taught his own abridged version of the *Muḥallā* or even the entire work by Ibn Ḥazm himself to Ibn al-'Arabī.³⁴ This is all the more likely since Ibn al-'Arabī in turn produced an *Ikhtīṣār al-Muḥallā*.³⁵ In his *ijāza* to the Ayyubid Sultan

Chodkiewicz, Paris 1988, Part IV: La Loi et la Voie (Cyrille Chodkiewicz), pp. 185–190; Adang, "Zāhiris of Almohad Times," pp. 461–464; Gerald T. Elmore, *Islamic Sainthood in the Fullness of Time. Ibn al-'Arabī's Book of the Fabulous Gryphon*, Leiden 1999, pp. 41–45; al-Ghalabzūrī, *al-Madrasa al-zāhiriyya*, pp. 377–402. The Zāhiri Abū Muḥammad 'Abd Allāh b. Ḥawṭ Allāh, too, studied under 'Abd al-Ḥaqq, and though the sources do not specify the type of material transmitted, the possibility that it included sections or entire works from Ibn Ḥazm's *oeuvre* is not to be rejected out of hand. See on this man my "Zāhiris of Almohad Times," pp. 433–443.

³³ In his article "Al-Mawrid al-aḥlā fī khtīṣār al-Muḥallā li bn Ḥazm wa-l-Qidḥ al-Mu'allā fī ikmāl al-Muḥallā li bn Khalīl," *Majallat al-Ma'had li-l-Makhtūṭāt al-'Arabiyya* 4 i (1958), pp. 309–346 at p. 312, Muḥammad Ibrāhīm al-Kattānī refers to a *riwāya* of the *Muḥallā* by Shurayḥ.

³⁴ Of all the numerous works of Ibn Ḥazm, *al-Muḥallā* seems to have enjoyed the greatest popularity, though perhaps more in the various abridged versions that were produced than in its integral version, which may have been regarded as too unwieldy. Apart from 'Abd al-Ḥaqq and Ibn al-'Arabī, scholars known to have compiled abridgements include the grammarian Abū Ḥayyān (himself a Zāhiri), and the historian and *ḥadīth* scholar al-Dhahabī, both of whom will be referred to below. None of these abridgements appears to have come down to us. It would have been interesting to see which materials were excluded by the compilers, and to what extent they added comments of their own, as someone like al-Dhahabī was in the habit of doing. It is not unlikely that they toned down Ibn Ḥazm's severe criticism of the eponymous founders of the *madhāhib*. At least in the case of al-Dhahabī this might be expected. In his above-mentioned article, al-Kattānī discusses an additional abridgement of the *Muḥallā*, entitled *al-Mawrid al-aḥlā fī khtīṣār al-Muḥallā*, which was apparently written by a contemporary, perhaps even a student, of al-Dhahabī. What supposedly prompted him to write this abridgement was his disapproval of the way al-Dhahabī had proceeded in preparing his *al-Mustaḥlā min Kitāb al-Muḥallā*, in which he added and deleted as he saw fit, thus, in his view, distorting Ibn Ḥazm's original work. See al-Kattānī, "Al-Mawrid al-aḥlā." A revised version of this article was published in al-Kattānī's *al-Ijtihād wa-l-mujtahidūn bi-l-Andalus wa-l-Maghrib*, ed. Muḥammad Ḥamza b. 'Alī al-Kattānī, Beirut 1425/2004, pp. 115–133. The anonymous abridgement is preserved in a manuscript kept in the library of the Great Mosque of Meknes, Morocco, and still awaits edition.

³⁵ "Autobibliografia de Ibn 'Arabī," p. 122. It is either this shorter version or the complete *Muḥallā* that was taken by Ibn al-'Arabī to Syria, where the scholar 'Izz al-Dīn b. 'Abd al-Salām regularly requested to borrow it, sending one of his students to fetch it for him; see Abū 'Abd al-Raḥmān al-Zāhiri, *Ibn Ḥazm khilāl alf 'ām* 1–2, Beirut 1402/1982, vol. 2, p. 18f. It may be through Ibn al-'Arabī that Ibn Ḥazm's *Kashf al-iltibās li-mā bayna aṣḥāb al-zāhir wa-aṣḥāb al-qiyās* (Puerta Vilchez # 58) ended up in a library in Aleppo; see Paul Sbath, *Choix de livres qui se trouvaient dans les bibliothèques d'Alep (au XIII^e siècle)*, Cairo 1946, pp. 41, 93 # 738; Anne-Marie Eddé, *La principauté ayyoubide d'Alep (579/1183–658/1260)*, Stuttgart 1999, p. 407. Further research is needed to establish how scholars like Ibn Taymiyya (d. 728/1328), Ibn Qayyim al-Jawziyya (d. 751/1350) and Ibn Kathīr (d. 774/1372), all of whom were active in Syria in the 8th/14th century, became familiar with the works of Ibn Ḥazm.

al-Muẓaffar,³⁶ Ibn al-‘Arabī states that he received “the book of Ibn Ḥazm” from ‘Abd al-Ḥaqq, who had it from Shurayḥ (B.1a.).³⁷ Al-Maqqarī, however, has Ibn al-‘Arabī stating that ‘Abd al-Ḥaqq transmitted the *kutub*, books, of Ibn Ḥazm to him (B.1b.).³⁸ Knysh takes this to mean that ‘Abd al-Ḥaqq gave Ibn al-‘Arabī a license to transmit *all* of Ibn Ḥazm’s works, which he himself had received from Shurayḥ.³⁹ However, apart from the *Muḥallā*, we have reliable information only about *Ibtāl al-qiyās* (B.2.). The full title of this work is *Ibtāl al-qiyās wa-l-ra’y wa-l-istihsān wa-l-taqlīd wa-l-ta’līl*. It is a relatively short tract in which Ibn Ḥazm, true to his Zāhirī principles, criticizes the use of analogical reasoning, personal opinion, juristic preference, ratiocination and the imitation of earlier authorities other than the Prophet Muḥammad. The first page of the manuscript of the work that is kept in the Ducal Library of Gotha (nowadays Forschungsbibliothek Gotha), Germany (no. 640) states that the text was transmitted by Shurayḥ to ‘Abd al-Ḥaqq al-Azdī, who in turn transmitted it to Ibn al-‘Arabī, who passed it on to someone whose name I was unable to decipher.⁴⁰ As will be seen, a second version, transmitted from Shurayḥ not by ‘Abd al-Ḥaqq but by Ibn Baqī (E.2.), ended up in the hands of al-Dhahabī, who added his own comments to it.⁴¹ But ‘Abd al-Ḥaqq received another work by Ibn Ḥazm from Shurayḥ, viz. *Jamharat ansāb al-‘Arab* (B.3.), as we learn from a chance reference in a work from the 12th/18th century. The author of this work, Abū ‘Abd Allāh Muḥammad al-Ṣaghīr al-Fāsī, who died in 1134/1721, does not mention the title, only

³⁶ The identity of this ruler is disputed; see Addas, *Quest for the Red Sulphur*, p. 96.

³⁷ “Autobibliografia de Ibn ‘Arabī,” p. 115.

³⁸ Al-Maqqarī, *Nafḥ al-ṭīb*, vol. 2, p. 307.

³⁹ See Alexander D. Knysh, *Ibn ‘Arabī in the later Islamic tradition: the making of a polemical image in medieval Islam*, Albany 1999, p. 40.

⁴⁰ I am in good company here: Ignaz Goldziher, who included extensive passages from the work in his study *Die Zāhiriten*, was not always able to make sense of the corrupt manuscript; see *Die Zāhiriten. Ihr Lehrsystem und ihre Geschichte. Ein Beitrag zur Geschichte der muhammedanischen Theologie*, Leipzig 1884 [repr. Hildesheim 1967], pp. 207–222; idem, *The Zāhirīs. Their Doctrine and their History. A Contribution to the History of Islamic Theology*. Trans. and ed. by Wolfgang Behn, with an Introduction by Camilla Adang, Leiden 2008, pp. 190–203.

⁴¹ An edition entitled *Mulakhkhaṣ Ibtāl al-qiyās wa-l-ra’y wa-l-istihsān wa-l-taqlīd wa-l-ta’līl* (Damascus 1379/1960 [repr. Beirut 1969]) was published by Sa’īd al-Afghānī. There exists an unpublished English translation of the work in this edition: Abdul Quadir Zubair, *A Translation of Ibn Hazm’s Mulakhkhas Ibtāl al-qiyās wa al-ra’y wa al-istihsān wa al-taqlīd wa al-ta’līl*. MA Thesis, American University in Cairo, 1979. Scholars are undecided whether the abridgement to which the term *Mulakhkhaṣ* refers was made by Ibn Ḥazm himself or rather by al-Dhahabī; see Puerta Vilchez ## 38 and 94.

indicating that it is a work by Ibn Ḥazm on genealogy.⁴² However, this can only be a reference to *Jamharat ansāb al-'Arab*. The author from Fez prided himself on possessing this work in two transmissions, both of them originating with Shurayḥ. One was passed on by Shurayḥ to 'Abd al-Ḥaqq, the other to Ibn Baqī, who in turn transmitted it to Ibn Abī l-Aḥwaṣ, as will be seen.

C. *Abū l-Walīd Jābir al-Ḥaḍramī al-Ishbīlī*

Another direct student of Shurayḥ who transmitted materials by Ibn Ḥazm to Muḥyī al-Dīn b. al-'Arabī was the grammarian and Qur'ān specialist Abū l-Walīd Jābir b. Muḥammad b. Nām b. Abī Ayyūb al-Ḥaḍramī al-Ishbīlī (d. 596/1199).⁴³ Apart from works that were by now the common fare of any self-respecting scholar in al-Andalus, namely the *Muwatta'* of Mālīk b. Anas and al-Bukhārī's *Ṣaḥīḥ*, this man also studied Ibn Ḥazm's *Hijjat al-wadā'* (C.1.) with Shurayḥ, a work dealing with the last pilgrimage to Mecca performed by the Prophet Muḥammad. In his *Kitāb Muḥādarat al-abrār wa-musāmarat al-akhyār* Ibn al-'Arabī quotes a lengthy section from this work which he had studied with Abū l-Walīd in a mosque in Seville.⁴⁴

D. *Abū Ṭāhir al-Silafī*

The following scholar to whom Shurayḥ communicated some works by Ibn Ḥazm, though only in writing, was Abū Ṭāhir Aḥmad b. Muḥammad al-Silafī (d. 576/1180).⁴⁵ This man, who hailed from Isfahan and lived to be a hundred, was a highly respected Shāfi'ī *ḥadīth* scholar who taught

⁴² Abū 'Abd Allāh Muḥammad al-Ṣaghīr al-Fāsī, *al-Minaḥ al-bādīya fī l-asānīd al-'ālīya* 1–2, ed. Muḥammad al-Ṣiqillī al-Ḥusaynī, Rabat 2005, vol. 1, p. 265.

⁴³ See on him Ibn al-Abbār, *al-Takmila li-Kitāb al-Ṣila* 1–4, ed. 'Abd al-Salām al-Harrās, Casablanca, vol. 1, p. 200 # 657; al-Suyūṭī, *Bughya*, vol. 1, p. 484 # 995.

⁴⁴ See Muḥyī al-Dīn b. al-'Arabī, *Kitāb Muḥādarat al-abrār wa-musāmarat al-akhyār fī l-adabīyyāt wa-l-nawādir wa-l-akhbār* 1–2, Beirut 1388/1968, p. 49 for the reference to Shurayḥ. The section from *Hijjat al-wadā'* covers pp. 49–62. I thank Samīr al-Qaddūrī for the reference, and Hassan Ansari for providing me with a copy of Ibn al-'Arabī's work. *Hijjat al-wadā'* is discussed in my "The Prophet's Farewell Pilgrimage (*Hijjat al-wadā'*): the true story, according to Ibn Ḥazm," *Jerusalem Studies in Arabic and Islam* 30 (2005), pp. 112–53. At the time I wrote the article I was unaware of the passage in *Kitāb Muḥādarat al-abrār*. The mosque in which Ibn al-'Arabī studied the work is called *Masjid al-Wādī*.

⁴⁵ See al-Silafī, *Akhbār wa-tarājim*, pp. 51, 120f. On al-Silafī, see *The Encyclopaedia of Islam*. New Edition, vol. 9, pp. 607–609, s.v. (Cl. Gilliot); Gamāl 'Abd al-Karīm, "Alejandría y Al-Silafī, nexo cultural entre Oriente y Al-Andalus," *Cuadernos de Historia del Islam* 7 (1975–76), pp. 111–151.

for several decades at the ‘Ādiliyya *madrassa* in Alexandria, where he was visited by countless students from all over the Muslim world, including al-Andalus.⁴⁶ Al-Silafī had great respect for Ibn Ḥazm, and was well acquainted with his works, which reached him through at least two different transmitters, one of them Shurayḥ.⁴⁷ Al-Silafī’s high opinion of Ibn Ḥazm is expressed clearly in his brief introduction to the study of *Kitāb al-Istidhkār* by Ibn Ḥazm’s friend and colleague Abū ‘Umar Yūsuf b. ‘Abd al-Barr (d. 463/1071).⁴⁸ After quoting Ibn Ḥazm’s praise of this important Mālikī scholar from his *Risāla fi faḍl al-Andalus*⁴⁹ which, as was seen above, was among the works taught by Shurayḥ, al-Silafī adds that Ibn Ḥazm’s praise of Ibn ‘Abd al-Barr should suffice one, since he was one of his peers (*min aqrānihi*) and transmitted from Ibn ‘Abd al-Barr with an *ijāza* from him, despite the disputes they had. Al-Silafī then mentions the year of Ibn Ḥazm’s death and calls him one of the most phenomenal scholars of the age (*min nawādir al-dahr*).⁵⁰ Abū Maṣṣūr b. Salīm, an indirect student of al-Silafī in Alexandria, received unspecified works and transmissions by Ibn Ḥazm (D.1.) on the authority of Shurayḥ, who had communicated them to al-Silafī. In addition, al-Dhahabī states that he once saw a *saḥīf*⁵¹

⁴⁶ In addition to the great many people who actually studied with him, an inordinate number of scholars refer to al-Silafī as one of their *shuyūkh* on the basis of the general *ijāzas* he issued to almost anyone who asked.

⁴⁷ The other known connection is the Ṣāḥirī Abū Muḥammad ‘Abd Allāh b. Marzūq al-Yaḥṣubī of Zaragoza, an indirect student of Ibn Ḥazm. Between 515/1121 and 518/1124 al-Silafī had much contact with Ibn Marzūq in Cairo and in Alexandria. What impressed him about Ibn Marzūq, apart from his piety and his devotion to religious matters, were his unabated efforts in acquiring the books and *rasā’il* of Ibn Ḥazm. He explicitly mentions the fact that Ibn Marzūq was an indirect disciple—via Ibn Burrāl—of Ibn Ḥazm. This obviously gave him confidence in the reliability of Ibn Marzūq’s transcripts of Ibn Ḥazm’s works, for he himself copied a large number of them.

⁴⁸ *Muqaddimat Imlā’ al-Istidhkār li-l-ḥāfiẓ Abī ‘Umar b. ‘Abd al-Barr al-Qurtubī*, ed. ‘Abd al-Laṭīf b. Muḥammad al-Jilānī, Beirut 1422/2001. On Ibn ‘Abd al-Barr, see Maribel Fierro, “Ibn ‘Abd al-Barr, Abū ‘Umar,” *Enciclopedia de al-Andalus. Diccionario de Autores y Obras Andalusíes*, vol. 1, Granada n.d., pp. 287–292 # 147.

⁴⁹ Apart from some differences in the word order, al-Silafī’s quotation corresponds almost verbatim with the wording found in al-Maqqarī; see the edition by Iḥṣān ‘Abbās in *Rasā’il Ibn Ḥazm*, 2, pp. 171–188 at pp. 179–180.

⁵⁰ Abū ‘Alī Maṣṣūr b. Salīm al-Hamadānī b. al-‘Imādiyya, *Tuḥfat ahl al-ḥadīth fi ṭīṣāl ijāzāt al-qadīm bi-l-ḥadīth*, in *Dhikr al-Imām al-Ḥāfiẓ Abī ‘Abd Allāh b. Mandah wa-man adrakahum min aṣḥābihi al-Imām Abū ‘Abd Allāh al-Ḥusayn b. ‘Abd al-Malik al-Khallāl, takhrīj Abī Mūsā Muḥammad b. Abī Bakr al-Madīnī al-Aṣbahānī*, wa-yalihi *Tuḥfat ahl al-ḥadīth fi ṭīṣāl ijāzāt al-qadīm bi-l-ḥadīth*, ed. ‘Amir Hasan Ṣabrī, Beirut 1425/2004, pp. 197f. # 100; G. Vajda, “La liste d’autorités de Maṣṣūr Ibn Salīm Waḡīh al-Dīn al-Hamadānī,” *Journal Asiatique* 253 (1965), pp. 341–406 at p. 383 # 99 (repr. in idem, *La transmission du savoir*).

⁵¹ A *saḥīf* is a note-pad or book in oblong format in which the lines run parallel with the spine; see Adam Gacek, *The Arabic Manuscript Tradition. A Glossary of Technical Terms*

containing a number of works by Ibn Ḥazm (*tawālīf li bn Ḥazm*) (D.2.) in the handwriting of al-Silafi, who had obtained them from Shurayḥ. Unfortunately, al-Dhahabī does not specify which works he saw. Al-Silafi also received *Jawāmiʿ al-sīra* (D.3., E.1.) through correspondence with Shurayḥ, as will be explained below. And finally, Shurayḥ transmitted some of Ibn Ḥazm's poetry to al-Silafi in writing (D.4.).⁵²

E. *Ibn Baqī*

Shortly before his death Shurayḥ issued his last *ijāza*: to a one-year old boy, Aḥmad b. Yazīd b. Baqī.⁵³ The boy's father, Abū l-Walīd Yazīd b. Baqī, was no stranger to Shurayḥ: both he and his father, Abū l-Ḥasan ʿAbd al-Raḥmān b. Baqī, had studied with him.⁵⁴ Moreover, the family was regarded as one of the noblest houses in al-Andalus, having produced many important scholars, starting with the *muḥaddith* Baqī b. Makhlad (d. 276/889).⁵⁵ Shurayḥ therefore probably had no qualms issuing an *ijāza* to this boy, who was to become chief *qāḍī* under the third Almohad caliph al-Manṣūr (ruled 580/1184–594/1198). If in the case of Shurayḥ it was possible to speculate whether he attended Ibn Ḥazm's lectures and derived any benefit from them, the question whether Ibn Baqī was able to absorb any of Shurayḥ's teaching does not arise. Shurayḥ's licence to him was included in the general *ijāza* that he issued to three generations of Banū Baqī: the boy, his father and his grandfather. It conferred upon him the right to transmit not only Shurayḥ's own works, but also those by other

and *Bibliography*, Leiden 2001, p. 69. A number of works by al-Silafi have the word *safīna* in their titles. See al-Dhahabī, *Sīyar*, vol. 20, p. 143 (entry on Shurayḥ).

⁵² Al-Silafi, *Muʿjam al-safar*, p. 356 # 1197; *Tarājim Andalusīyya*, p. 114; a poem ending in *bāʾ* which al-Silafi first heard from Ibn ʿAbd al-Razzāq, who had heard it being recited by Abū l-Ḥasan ʿAlī b. al-Akhḍar al-Tanūkhī in Ḥimṣ al-Andalus, i.e., Seville, and who says: *anshadānī* Abū Muḥammad ʿAlī b. Aḥmad b. Saʿīd al-ḥāfiẓ li-nafsihi. Afterwards al-Silafi received the same verses in writing from Shurayḥ.

⁵³ On Ibn Baqī, see J.M. Fórneas Besteiro and A. Rodríguez Figueroa, "Ibn Baqī, Abū l-Qāsim," *Enciclopedia de al-Andalus. Diccionario de Autores y Obras Andalusíes*, vol. 1, Granada n.d., pp. 570–572 # 303, and "Ibn Baqī al-Umawī, Abū l-Qāsim," *Biblioteca de al-Andalus*, vol. 2, pp. 517–519 # 383; Adang, "Zāhirīs of Almohad Times," pp. 444–448.

⁵⁴ Because he started to teach at a relatively early age, and continued to do so till well into his eighties, Shurayḥ was able to educate three generations, and three generations of the Banū Baqī studied with him. They received a collective *ijāza*. See Ibn Rushayd, *Ifḍat al-Naṣīḥ bi-l-taʿrīf bi-sanad al-Jāmiʿ al-Ṣaḥīḥ*, ed. Muḥammad al-Ḥabīb b. al-Khūja, Tunis n.d., pp. 58f.

⁵⁵ On Baqī b. Makhlad, see *Biblioteca de al-Andalus*, vol. 4, pp. 68–72. He had been much admired by Ibn Ḥazm; see also Puerta Vilchez # 1.

authors that Shurayḥ was allowed to transmit.⁵⁶ Among these were the works of Ibn Ḥazm. Ibn Baqī, now, subscribed to the Zāhirī school and is said to have felt a strong affinity with Ibn Ḥazm.⁵⁷ It is therefore not surprising that he should wish to study and transmit his works, which became quite in vogue in the Almohad period, and especially under Ibn Baqī's patron al-Manṣūr, who actively promoted Zāhirism. The caliph at some point even visited Ibn Ḥazm's grave near Niebla, declaring on this occasion that all scholars were indebted to Ibn Ḥazm.⁵⁸

Apart from a saying attributed to the Prophet Muḥammad (E.4.), we know of three works by Ibn Ḥazm that were transmitted to Ibn Baqī by Shurayḥ, namely: *Jawāmi' al-sīra* (E.1.), *Ibtāl al-qiyās* (E.2.), and *Jamharat ansāb al-'Arab* (E.3.). The latter two, it will be recalled, had also been shared by Shurayḥ with 'Abd al-Ḥaqq who had in turn passed them on to Ibn al-'Arabī. *Jawāmi' al-sīra* has not yet been mentioned. It is a biography of the Prophet Muḥammad dealing with his characteristics, his wives, his children, people who served him in various capacities, his battles and his victories etcetera.⁵⁹ Through his *ijāza*, Ibn Baqī had been authorized by Shurayḥ to transmit this work to his own students. Among its recipients were Abū 'Alī al-Ḥasan b. 'Abd al-'Azīz Ibn Abī l-Aḥwaṣ (d. 679 or 699/1280 or 1300), also known as Ibn al-Nāẓir,⁶⁰ Abū Muḥammad 'Abd Allāh b. Muḥammad b. Hārūn al-Ṭā'ī (d. 702/1302),⁶¹ and others. Ibn Hārūn, now, transmitted *Jawāmi' al-sīra* to the famous grammarian Abū Ḥayyān Muḥammad b. Yūsuf b. 'Alī b. Ḥayyān, who is considered a Zāhirī

⁵⁶ An important source of information on the works transmitted by Ibn Baqī on the authority of Shurayḥ is the *Barnāmaj* of Ibn Abī l-Rabī'; see *Naṣṣ Barnāmaj Ibn Abī l-Rabī'*, ed. 'Abd al-'Azīz al-Ahwānī, *Majallat al-Ma'had li-l-Makḥṭūṭāt al-'Arabiyya* 1 (1955), pp. 252–271.

⁵⁷ See Abū l-Ḥasan 'Alī b. Muḥammad b. 'Alī a-Ru'aynī, *Barnāmaj shuyūkh al-Ru'aynī*, ed. Ibrāhīm Shabbūh, Damascus 1381/1962, p. 50.

⁵⁸ See Adang, "Zāhiris of Almohad Times," p. 415 n. 9.

⁵⁹ Ibn Ḥazm, *Jawāmi' al-sīra wa-khams rasā'il ukhrā*, ed. Iḥsān 'Abbās and Naṣir al-Dīn al-Asad, Cairo n.d., p. 1.

⁶⁰ He was a man of many talents and professions. An expert in Qur'anic readings and exegesis, *ḥadīth*, law, grammar, lexicography and *adab*, he acted as *qāḍī*, *muqri'* and preacher in a number of cities in al-Andalus, among them Granada. See on him J.M. Fórneas Besteiro and A. Rodríguez Figueroa, "Ibn Abī l-Aḥwaṣ al-Quraṣī, Abū 'Alī," *Enciclopedia de al-Andalus. Diccionario de Autores y Obras Andaluses*, vol. 1, Granada n.d., p. 346f. # 176.

⁶¹ Born and raised in Cordoba, this man excelled in a number of disciplines, but especially in *ḥadīth*. He studied with a number of important scholars in his native city before moving to Tunis. See al-Wādī Āshī, *Barnāmaj al-Wādī Āshī*, p. 51f. # 13; Muḥammad Maḥfūz, *Tarājīm al-mu'allifīn al-Tūnisīyyīn* 1–5, Beirut 1982–85, vol. 5, pp. 93–95; J.M. Vizcaino Plaza, "Ibn Hārūn al-Qurṭubī," *Biblioteca de al-Andalus*, vol. 3, pp. 296–298 # 550.

although he adopted the Shāfiʿī *madhhab* after moving to Egypt, possibly for the sake of convenience rather than out of conviction.⁶² The copyist of the extant manuscript was a student of Abū Ḥayyān. Whether he later taught the work to anyone else cannot be established. What is interesting is that this copyist adds a comment to the effect that at the beginning of the original manuscript from which he produced his copy, the owner mentions two chains of transmitters: one from Ibn Ḥazm to ShurayḤ who transmitted it in writing, and the other from Ibn Ḥazm to Ibn Buryāl to Ibn Marzūq,⁶³ with whom this person had actively studied it. Although this person remains unnamed, we know that it was, in fact, al-Silafi.

The *isnād* Ibn Ḥazm → ShurayḤ → Ibn Baqī → Ibn Hārūn al-Ṭāʿī is found also on the first page of *Ibtāl al-qiyās* (E.2.). Here, however, the recipient of the work from Ibn Hārūn is not Abū Ḥayyān, but al-Dhahabī, who apparently also had access to a copy in the handwriting of Muḥyī al-Dīn b. al-ʿArabī. The tradition *Al-ṣawm janna* (E.4.), too, was communicated to al-Dhahabī by Ibn Hārūn, who had it from ShurayḤ.⁶⁴ We can be brief about *Jamharat ansāb al-ʿArab* (A.3, E.3.): Ibn Baqī transmitted it to Ibn Abī l-Aḥwaṣ, who had also received *Jawāmiʿ al-sīra*, but we have no information about the chain of transmitters who carried it all the way down to the 12th/17th century when al-Ṣaghīr al-Fāsī relates it. Since ShurayḤ's *ījāza* to Ibn Baqī was apparently a general one, it is possible that the latter taught or issued permits to transmit further works by Ibn Ḥazm, but I have found no reference to them. I would assume that especially works of a legal character would be of interest to Ibn Baqī who, as Chief Qāḍī to al-Manṣūr, was expected to apply Zāhirī, rather than Maliki law, but this is not borne out by the available evidence.

CONCLUSIONS

ShurayḤ al-Ruʿaynī had the (in his days rather dubious) honour of being one of the very few people to receive a license to transmit the works of Ibn Ḥazm. Living in a time when the Zāhirī imam and his works were

⁶² See on him M. Puerta Vilchez, "Al-Garnāṭī, Abū Ḥayyān," *Enciclopedia de al-Andalus. Diccionario de Autores y Obras Andalusíes*, vol. 1, Granada n.d., pp. 181–217 # 100. Like several other leading scholars (see n. 33 above), Abū Ḥayyān wrote an abridged version of Ibn Ḥazm's *Muḥallā*, entitled *al-Anwār al-ajlā fi kḥiṣār al-Muḥallā*. He must therefore have had access to Ibn Ḥazm's original work.

⁶³ See n. 46 above.

⁶⁴ Al-Dhahabī, *Tadhkirat al-ḥuffāz*, vol. 3, pp. 1146–1155 # 1016 (Ibn Ḥazm), at p. 1154.

under attack from members of the religious establishment in al-Andalus, Shurayḥ does not seem to have advertised this fact. I was only able to find five scholars who are known to have transmitted works by Ibn Ḥazm from him or on his authority: Ibn Khayr, ‘Abd al-Ḥaqq al-Azdī, Jābir al-Ḥaḍramī and Ibn Baqī in al-Andalus, and al-Silafī in Egypt. The first of them was one of Shurayḥ’s closest students and read a number of works by Ibn Ḥazm under his guidance. ‘Abd al-Ḥaqq al-Azdī and Jābir al-Ḥaḍramī also seem to have had direct contact with Shurayḥ. Ibn Baqī, who received his *ijāza* as an infant, can only have been an ear-witness at best at Shurayḥ’s lectures, if he was at all present. Al-Silafī corresponded with Shurayḥ in writing. There may well have been more takers who simply kept a low profile so that the connection is not mentioned in the biographical sources. With the possible exclusion of Ibn Khayr, the above-mentioned men are known to have transmitted a number of works by Ibn Ḥazm in their turn, which ended up in the hands of luminaries such as the grammarian Abū Ḥayyān, the mystic Muḥyī al-Dīn b. al-‘Arabī and the historian and *ḥadīth* scholar al-Dhahabī. While their names are connected to specific titles, such as *Risāla fī faḍl al-Andalus* or *Ibtāl al-qiyās*, it is possible that additional works are included in general expressions such as *tawālīf Ibn Ḥazm* or *kutub Ibn Ḥazm*. If they are, we have no way of knowing which ones they were. It is to be hoped that the discovery of manuscripts of writings by Ibn Ḥazm and the publication of as yet inedited works of the *Fahrāsa* and *Barnāmaj* genres type will shed new light on this question.⁶⁵

APPENDIX

A. Works Transmitted by Shurayḥ to Ibn Khayr

1. *Risāla fī faḍl al-Andalus wa-dhikr rijāliha*

Risāla fī faḍl al-Andalus wa-dhikr rijāliha, ta’līf Abī Muḥammad b. Ḥazm, raḥimahu Allāh; *ḥaddathanī bihā* al-khaṭīb Abū l-Ḥasan b. Muḥammad b.

⁶⁵ The partially preserved but as yet unpublished *Barnāmaj* of Abū Bakr b. Mas‘ūd al-Khushanī, also known as Ibn Abī l-Rukab (d. 544/1149), for example, apparently contains a reference to Ibn Ḥazm’s *Ḥijjat al-wadā’*; see al-Ahwānī, “Kutub Barāmij al-‘ulamā’ fī l-Andalus,” pp. 99–100. Unfortunately al-Ahwānī does not provide any details about the work’s transmission.

Shurayḥ al-muqriʾ, raḥimahu Allāh, ʿan Abī Muḥammad ʿAlī b. Aḥmad b. Ḥazm, raḥimahu Allāh

2. *Jawāb Qaṣīdat Niqfūr*

Jawāb Qaṣīdat Niqfūr hādhihi li-l-shaykh al-imām Abī Muḥammad ʿAlī b. Aḥmad b. Saʿīd b. Ḥazm al-Fārisī al-Zāhirī, raḍiya llāhu ʿanhu, *ḥaddathanī bihā* shaykhunā al-khaṭīb Abū l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ al-muqriʾ, raḥimahu Allāh, *qirāʾatan minnī ʿalayhi*, qāla: *Qāla* Abū Muḥammad ʿAlī b. Aḥmad b. Saʿīd b. Ḥazm, shaykhunā, raḍiya llāhu ʿanhu, yaruddu ʿalā Niqfūr

3. *Qaṣīda mīmiyya*

Qaṣīda mīmiyya li-bn Ḥazm, raḥimahu Allāh [...] *ḥaddathanī bihā* Abū l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ al-muqriʾ, raḥimahu Allāh *qirāʾatan minnī ʿalayhi*, ʿan Abī Muḥammad b. Ḥazm, raḥimahu Allāh, nāẓimiha, wa-abyātuhā thalātha wa-sabʿūn baytan

4. *Qitʿa bāʿiyya*

Qitʿa lahu bāʿiyya naẓamahā ʿinda khurūjihi min Ishbīliyya [...] *wa-ḥaddathanī bihā* shaykhunā al-khaṭīb Abū l-Ḥasan Shurayḥ b. Muḥammad al-muqriʾ, raḥimahu Allāh, ʿan Abī Muḥammad b. Ḥazm, qāʾilihā, raḥimahu Allāh

5. *Fahrasat Ibn Ḥazm*

Fahrasat al-shaykh al-faqīh al-hāfiẓ Abī Muḥammad ʿAlī b. Aḥmad b. Saʿīd b. Ḥazm al-Fārisī al-muḥaddith, raḥimahu Allāh; *ḥaddathanī bihā* shaykhunā al-khaṭīb Abū l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ al-muqriʾ, raḥimahu Allāh, *qirāʾatan minnī ʿalayhi*, qāla: *ḥaddathanī bihā* Abū Muḥammad b. Ḥazm, raḥimahu Allāh

6. *Tawālīf Ibn Ḥazm*

Tawālīf al-faqīh al-imām Abī Muḥammad ʿAlī b. Aḥmad b. Saʿīd b. Ḥazm al-Fārisī al-Zāhirī al-muḥaddith, raḥimahu Allāh, wa-jamʿ riwayātihi ʿan shuyūkhīhi, *ḥaddathanī bi-dhālika kullihi* shaykhunā al-khaṭīb al-muqriʾ Abū l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ al-muqriʾ ʿanhu

B. *Works Transmitted by Shurayḥ to ‘Abd al-Ḥaqq al-Ishbīlī*

1a. *Kitāb Ibn Ḥazm*

[Muḥyī al-Dīn b. al-‘Arabī:] *ḥaddathanī* bi-kitāb al-imām Abī Muḥammad b. Ḥazm ‘an Abī l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ ‘*anhu*
or:

1b. *Kutub Ibn Ḥazm*

[Muḥyī al-Dīn b. al-‘Arabī:] *ḥaddathanī* bi-kutub al-imām Abī Muḥammad ‘Alī b. Aḥmad b. Ḥazm ‘an Abī l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ ‘*anhu*

2. *Kitāb Ibṭāl al-qiyās*

Kitāb Ibṭāl al-qiyās wa-l-ra’y wa-l-istiḥsān wa-l-taqlīd wa-l-ta’līl [...] *riwāyat* Abī l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ ‘*anhu*, *riwāyat* Abī Muḥammad ‘Abd al-Ḥaqq b. ‘Abd al-Raḥmān al-Azdī, *riwāyat* Muḥammad b. ‘Alī b. Muḥammad b. al-‘Arabī al-Ṭā’ī *ijāzatan* ‘*anhu*, *riwāyat* kātib aṣlihi al-manqūl minhu . . . b. . . . b. Muḥammad al- . . .⁶⁶ ‘*anhu*, *akhbaranī* al-shaykh al-imām al-‘ālim Muḥyī al-Dīn b. al-‘Arabī . . .

3. *Jamharat ansāb al-‘Arab*

[Al-Ṣaghīr al-Fāsī:] wa-ammā ‘ilm al-ansāb, fa-arwī ta’līf Ibn Ḥazm *min ṭarīq* Ibn Abī l-Aḥwaṣ ‘an Abī l-Qāsim b. Yazīd b. Baqī ‘an Shurayḥ b. Muḥammad, wa-min ṭarīq ‘Abd al-Ḥaqq al-Ishbīlī ‘an Shurayḥ ‘an Abī Muḥammad b. Ḥazm

C. *Work Transmitted by Shurayḥ to Abū l-Walīd Jābir b. Abī Ayyūb al-Ḥaḍramī*

1. *Ḥijjat al-wadā’*

[Muḥyī al-Dīn b. al-‘Arabī:] *Ḥaddathanī* Abū l-Walīd Jābir b. Abī Ayyūb al-Ḥaḍramī bi-Masjid al-Wādī bi-Ishbīliyya qāla: *Ḥaddathanī* Abū l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ qāla: *Qāla* Abū Muḥammad ‘Alī b. Aḥmad b. Sa‘īd . . .

⁶⁶ The manuscript is unclear here.

D. *Works Transmitted by Shurayḥ to al-Silafi*1. *Works and transmissions*

[Abū Maṣṣūr b. Salīm:] ‘Alī b. Aḥmad b. Saʿīd b. Ḥazm al-Zāhiri al-Andalusī, *anbaʿanā* bi-taṣānīfihi wa-riwāyātihi al-Anjab b. Abī l-Saʿādāt al-Ḥammāmī ‘an Abī Ṭālib Muḥammad b. ‘Alī al-Kattānī al-Wāsiṭī ‘an Abī ‘Abd Allāh Muḥammad b. Abī Naṣr al-Ḥumaydī ‘*anhu ijāzatan*; *anbaʿanā* Jaʿfar ‘an al-Silafi ‘an Shurayḥ b. Muḥammad b. Shurayḥ al-Ruʿaynī, qāla: *ajāza li* Abū Muḥammad ‘Alī b. Ḥazm al-Zāhiri

2. *Works*

[al-Dhahabī:] wa-ʿāyantu fi safinatin tawālīf li-bn Ḥazm bi-khaṭṭ al-Silafi wa-qad kataba: *Kataba ilayya* Abū l-Ḥasan Shurayḥ b. Muḥammad *qāla*: *kataba ilaynā* Abū Muḥammad b. Ḥazm

3. *Jawāmiʿ al-sīra*

See E.1. below

4. *Poetry*

[Al-Silafi:] *Kataba ilayya* Shurayḥ b. Muḥammad b. Shurayḥ al-Ruʿaynī min al-Andalus qāla: *Anbaʿanā* Abū Muḥammad ‘Alī b. Aḥmad b. Ḥazm al-Zāhiri li-nafsihi . . .

E. *Works Transmitted by Shurayḥ to Ibn Baqī*1. *Jawāmiʿ al-sīra*

[The copyist:] *Akhbaranī* bi-taṣānīf Abī Muḥammad ‘Alī b. Aḥmad b. Saʿīd b. Ḥazm al-Fārisī al-Zāhiri shaykhunā al-imām al-awḥad al-ruḥala Abū Ḥayyān Muḥammad b. Yūsuf b. ‘Alī b. Ḥayyān al-Andalusī al-Jayyānī, raḥimahu Allāh taʿālā, qāla: *Akhbaranī* bi-taṣānīf al-imām Abī Muḥammad wa-jamīʿ riwāyātihi al-kātib Abū Muḥammad ‘Abd Allāh b. Muḥammad b. Hārūn al-Ṭāʾī al-Qurṭubī bi-madīnat Tūnis, wa-ghayruhu, qālū: *Akhbaranā* Qāḍī l-jamāʿa ʿalā madhhab ahl al-ḥadīth Abū l-Qāsim Aḥmad b. Yazīd b. Baqī *wa-akhbaranā* al-hāfiẓ al-qāḍī Abū ‘Alī al-Ḥasan b. ‘Abd al-ʿAzīz b. Abī l-Aḥwaṣ ‘an Ibn Baqī ayḍan, qāla: *Akhbaranā* al-qāḍī al-khaṭīb Abū l-Ḥasan Shurayḥ b. Muḥammad (b.) Shurayḥ al-Ruʿaynī, wa-huwa ākhir man ḥaddatha ‘anhu, qāla: *Akhbaranā* Abū Muḥammad ‘Alī b. Aḥmad b. Saʿīd b. Ḥazm, raḥimahu Allāh ʿalayhi

[The copyist:] wa-kāna fī ṣadr al-aṣl alladhī katabtu ‘anhu:

[al-Silafi:] *Kataba ilayya* al-qāḍī Abū l-Ḥasan Shurayḥ b. Muḥammad (b.) Shurayḥ al-Ru‘aynī min Ḥimṣ al-Andalus (i.e., Seville), qāla: *Anba’anā* Abū Muḥammad ‘Alī b. Aḥmad b. Sa‘īd b. Ḥazm al-Ẓāhirī al-hāfiẓ;

[al-Silafi:] qāla: *wa-qara’tu ‘alā* Abī Muḥammad b. ‘Abd Allāh b. Muḥammad b. Marzūq al-Yaḥṣubī al-Andalusī bi-Miṣr, ‘an Abī Bakr ‘Abd al-Bāqī b. Muḥammad b. Buryāl al-Ḥijārī, qāla raḥimahu Allāh ta‘ālā [i.e., Ibn Ḥazm]

2. *Mulakhkhaṣ ibtāl al-qiyās*

Mulakhkhaṣ min *Kitāb Ibtāl al-qiyās wa-l-ra’y wa-l-istiḥsān wa-l-taqlīd wa-l-ta’līl* ta’līf Abī Muḥammad b. Ḥazm al-hāfiẓ, *riwāyat* Abī l-Ḥasan Shurayḥ b. Muḥammad b. Shurayḥ al-Ru‘aynī ‘*anhu kitābatan*. [Al-Dhahabī:] *Anba’anā* bihi Abū Muḥammad ‘Abd Allāh b. Hārūn al-Ṭā’ī min Tūnis ‘an Abī l-Qāsim Aḥmad b. Yazīd b. ‘Abd al-Raḥmān al-Baqawī ‘an Shurayḥ *idhnan*. Wa-‘allaqahu min khaṭṭ Muḥyī al-Dīn b. al-‘Arabī Muḥammad b. al-Dhahabī wa-radadtu ‘alayhi fī amākin yasira

3. *Jamharat ansāb al-‘Arab*

[Al-Ṣaghīr al-Fāsī:] wa-ammā ‘ilm al-ansāb, fa-arwī ta’līf Ibn Ḥazm *min tarīq* Ibn Abī l-Aḥwaṣ ‘an Abī l-Qāsim b. Yazīd b. Baqī ‘an Shurayḥ b. Muḥammad,

4. *Prophetic Tradition: al-ṣawm janna*

[Al-Dhahabī:] *kataba ilaynā* Abū Muḥammad b. Hārūn min Tūnis sanat 700 (1300–1) qāla: *Anba’anā* Abū l-Qāsim Aḥmad b. Yazīd al-Qāḍī: *akhbaranā* Abū l-Ḥasan Shurayḥ b. Muḥammad al-Ru‘aynī, *ijāzatan* ‘an Abī Muḥammad b. Ḥazm...

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REFUTATIONS OF IBN ḤAZM BY MĀLIKĪ
AUTHORS FROM AL-ANDALUS AND NORTH-AFRICA¹

Samir Kaddouri

INTRODUCTION

The purpose of this contribution is to examine the refutations of Ibn Ḥazm by his opponents among the Mālikī religious scholars in al-Andalus and the Maghrib during his lifetime and after his death, and to clarify the causes of the controversy.² These refutations were numerous and varied, and have not so far been studied in depth. In what follows, I will review them by historical periods, namely (1.) the period of the Party-Kings; (2.) the period of the Almoravid invasion of al-Andalus and its annexation to the Maghrib; (3.) the Almohad period; (4.) the period after the disappearance of the Almohads. I shall classify these works according to their manner and purpose of refutation, to the extent possible, that is, as most of these texts are no longer extant. However, before discussing the works let us briefly survey the religious environment in al-Andalus until the middle of the fifth/eleventh century, so as better to understand the background of the refutations.

The one who best summarized the situation was Qāḍī Abū Bakr b. al-ʿArabī (d. 543/1148) in his *al-ʿAwāṣim min al-qawāṣim*—though he was somewhat harsh in his criticism of his opponents. He states:

One of the Umayyads arrived in these lands [i.e., al-Andalus] where he encountered a strong attachment [to the Umayyads and their cause]. The people revolted together with him and he manifested justice. He said: I shall defend the *sunna*; for there is no jurisprudence but that of the people of Medina and no reading [of the Qurʾān] but theirs. He thus compelled people to act according to the school of Mālik and to recite the Qurʾān according to

¹ This chapter was adapted from the author's article originally published in Arabic as "Al-Rudūd 'alā Ibn Ḥazm bi-l-Andalus wa-l-Maghrib min khilāl mu'allafāt 'ulamā' al-mālikiyya," *Al-Aḥmadiyya* 13 (2003), pp. 271–346. Translation: Stuart Sears; revision by Camilla Adang.

² The existence of an extensive research literature on Ibn Ḥazm renders it superfluous to provide detailed biographical information about him here. For a survey, see R. Arnaldez, "Ibn Hazm," *The Encyclopaedia of Islam. New Edition*, and J.M. Puerta Vilchez' biographical sketch in the present volume.

the transmission of Nāfi'. He did not allow people to investigate and choose regarding the requirements of proof when this departed from the opinion of the Medinese. This was due to the fact that they, that is, the Umayyads, saw Mālik's veneration of their forebears... Unquestioning imitation (*taqlid*) became their religion and emulation, their conviction. Whenever someone arrived from the East with [new] knowledge, they harassed and disparaged him, unless he outwardly maintained the Mālikī rite and made whatever science he possessed subject to it. One of them, Baqī b. Makhlad set out... and returned with great knowledge and solid belief. He could not attach himself to anyone's legal school... Similar [knowledge] was brought by Ibn Waḍḍāḥ. As for Baqī [b. Makhlad], he was ostracized until he died [in 276/889–90]. Ibn Waḍḍāḥ met Saḥnūn and found favour with the adherents of Mālik. He became a student of [Mālik's disciple] Yaḥyā b. Yaḥyā and aided those who had an argument against Baqī by testifying [against him]... The situation remained as such until the sciences perished except among some individuals who had received some *ḥadīth*. The demise of the sciences continued over the centuries. All of those who specialized [in this field] could do no more than to attach themselves to the innovation of the *ẓāhir*... Then new cases arose for which they found no precedents in the texts of the Mālikī school so they examined them without knowledge... until, in the end, no regard was given to the teachings of Mālik and his distinguished associates... It was said: this Ṭulayṭulī said, that Majrītī, and Ibn Mughith... Were it not for the fact that a number of people fled to places of learning and returned with great knowledge, like [ʿAbd Allāh b. Ibrāhīm] al-Aṣlī [d. 392/1002] and [Abū l-Walīd Sulaymān b. Khalaf] al-Bājī [d. 474/1081], and then sprinkled the water of knowledge on these dead hearts... religion would have disappeared... Moreover, some people of error, like Maslama b. Qāsim and Muḥammad b. Masarra, set out and returned with every harmful belief and abomination. [Mundhir b. Saʿīd] al-Ballūṭī [d. 355/966] set out and met [the Muʿtazilī *shaykh*] al-Jubbāʾī, and returned with the Qadarī innovation in belief and the Dāwūdī sect in practices... If ever a calamity had descended upon a Muslim in his belief, he suffered a mortal blow from the doctrines of al-Ballūṭī, Maslama and Ibn Masarra,... or should he happen to encounter someone who was a Dāwūdī in his practice of religion, he might himself become a Dāwūdī in his religion and the whole order of his law would come undone.³

Ibn Ḥazm himself writes:

As for speculative theology (*ʿilm al-kalām*), even if adversaries did not argue here, and sects did not dispute with each other, so that they were not very skilled in it, our land was not by any means devoid of it. Among them were people who subscribed to the Muʿtazila, examining its fundamentals and producing writings about it. Among them were Khalīl b. Iṣḥāq, Yaḥyā b.

³ Abū Bakr b. al-ʿArabī, *al-ʿAwāṣim min al-qawāṣim*, pp. 365–368.

al-Samīna [d. 315/927–8], the chamberlain Mūsā b. Ḥudayr [d. 320/932] and his brother Aḥmad [b. Muḥammad b. Ḥudayr, d. 327/938–9], the vizier and lord of the *maẓālim* courts; he was a propagandist of Muʿtazilī belief and did not conceal this.⁴

Next, Ibn Ḥazm boasts of the Zāhirī scholars of al-Andalus:

If we were to describe ‘Abd Allāh b. Qāsim b. Hilāl⁵ [d. 272/885–6] and Mundhir b. Saʿīd,⁶ we would not be able to mention anyone who competes with them save Abū l-Ḥasan b. al-Mughallis, al-Khallāl, al-Dībājī and Ruwaym b. Aḥmad. ‘Abd Allāh [b. Qāsim b. Hilāl] had been a student and companion of Abū Sulaymān [Dāwūd b. ‘Alī al-Iṣfahānī] like them.⁷

Ibn Ḥazm also said:

... As for the Ashʿarīs, they were in Baghdad and Basra, then they set up shop in Sicily, Qayrawan and al-Andalus, and thereafter their business declined, praise be to God...⁸

Qāḍī ʿIyāḍ (d. 544/1149) informs us that the appearance of juridical schools in al-Andalus that could compete with the school of Mālik was not possible but that some knowledge of the school of al-Shāfiʿī, Abū Ḥanīfa and Aḥmad b. Ḥanbal and Dāwūd entered al-Andalus by virtue of certain travellers. The spread of these schools remained limited to a few individuals who adhered to them by themselves. However, ʿIyāḍ acknowledged that the school of al-Awzāʿī had been present in al-Andalus before that of Mālik, but that the Umayyads jealously defended it (i.e. the Mālikī *madhhab*) by the sword, and transferred the judiciary to the hands of the Mālikī scholars.⁹ It was the Mālikī school, then, that reigned supreme and it did not take kindly to the challenge posed to it by Ibn Ḥazm and his followers, as can be seen in the numerous refutations to which we shall now turn.

⁴ *Rasāʾil Ibn Ḥazm*, 2/186 (= *Risāla fī faḍl al-Andalus*).

⁵ See González Palencia, *Tārīkh al-fikr al-andalusī*, p. 439.

⁶ See his biography in al-Bunnāhī, *al-Marqaba al-ʿulyā*, pp. 66–75, who said about him: “The study of the jurisprudence of the school of Abū Sulaymān Dāwūd b. ‘Alī al-Iṣfahānī, known as al-Zāhirī, took hold of him. Thus he preferred his school, collected his books, justified his teaching, and adopted it for himself. However, when the government council was in session, he judged according to the school of Mālik b. Anas and his followers upon which the practice in his country was based, and did not deviate from it... his term as *qāḍī* was 16 years.” (p. 74)

⁷ *Rasāʾil Ibn Ḥazm*, 2/187 (= *Risāla fī faḍl al-Andalus*).

⁸ This section appears in *Al-Fiṣal fī l-Milal wa-l-ahwāʾ wa-l-niḥal* (5/73). For an overview of religious thought in Andalus, see, e.g., Angel González Palencia, *Tārīkh al-fikr al-Andalusī*, María Isabel Fierro, “El Islam andalusí del siglo V/XI.”

⁹ Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 1/26–27.

THE REFUTATIONS

1. *Refutations of Ibn Ḥazm in the Period of the Party-Kings*

From Andalusī sources, it is evident that Ibn Ḥazm was targeted by his adversaries and accused of deviation due to his disagreement with the school of Mālik and his initial embrace of the school of al-Shāfiʿī.

The Cordoban historian Ibn Ḥayyān—according to what Ibn Bassām related from him in *al-Dhakhīra*—said: “The examination of jurisprudence made him incline him first toward the view of Abū ‘Abd Allāh Muḥammad b. Idrīs al-Shāfiʿī. He defended [al-Shāfiʿī’s] school and turned away from other schools, until he was branded by it and identified with it. Because of this he was targeted by many jurists and accused of deviation.”¹⁰ Ibn al-Abbār states in *al-Ḥulla al-siyarā’* that Ibn Ḥazm’s “... disagreement with the school of Mālik was held against him in Cordoba and elsewhere...”¹¹ In my opinion, this was the most important reason for the conflict between Ibn Ḥazm and his contemporaries among the Mālikī jurists in al-Andalus. Ibn Ḥazm, by turning his back on the *madhhab*, had violated what was considered one of the articles of the “constitution of the state” at that time. Evidence for the central position of the Mālikī school is the fact that the Umayyad rulers had stipulated their commitment to this school and rejected the legal opinions of other schools. Thus Caliph al-Ḥakam al-Mustanṣir¹² writes in one of his epistles:

Whenever I heard of anyone who opposed the school of Mālik b. Anas—may God have mercy on him—in legal opinion or something else, I brought upon him an exemplary punishment such as he deserved and made him a fugitive. I knew from what I had seen in books that the school of Mālik and his associates is the best of the schools. I did not discern among his associates, nor among those who followed his school, other than [concern for] the Sunna and the community. Let one hold fast to this, for in it is deliverance, God willing.¹³

In another letter al-Ḥakam says:

¹⁰ *al-Dhakhīra fī maḥāsīn ahl al-Jazīra*, Section I, 1/167.

¹¹ Ibn al-Abbār, *al-Ḥulla al-siyarā’*, 2/128.

¹² This is al-Ḥakam b. ‘Abd al-Raḥmān, who ruled between 350/961 and 366/976, having assumed power when he was 47 years old. He was a compiler of religious sciences, was loved by its practitioners and, being a bibliophile, assembled a famous library. See al-Ḥumaydī, *Jadhwat al-muqtabis*, 1/42–46.

¹³ ‘Īsā b. Sahl, *Dīwān al-aḥkām al-kubrā*, 1/1327.

I have learned that some people are issuing legal opinions by a school other than that of Mālik b. Anas and that they make concessions in divorce cases. Anyone who ever deviated from Mālik's school has come to regret it, and the evil of his action has become apparent to him. I have examined the statements of jurists and seen what has been written about them until our time, and I have not seen a purer school, nor one farther removed from deviation, than his school. Many are those who believe in one of the schools of the jurists; among them are Jahmites, rejectionist Shī'ites, and Khārijites, save [in] Mālik's school. I have not heard of anyone who has followed his school to have taught any of these innovations. Thus, adhering to it is deliverance, God willing.¹⁴

These two texts were issued by the Umayyad caliph at a date no later than 355/965–6, for he wrote them after ordering the crucifixion of the *zindīq* Abū l-Khayr. This event took place during the lifetime of the *qāḍī* Mundhir b. Sa'īd al-Ballūṭī (d. 355/966). Given that Mālik's school was considered one of the sacred traditions of the state in al-Andalus and that deviation from it incurred punishment, it remained in force even after the fall of the Umayyad caliphate. I have come across a statement by the jurist Abū Ja'far Aḥmad b. Khalaf b. Wuṣūl al-Turjālī¹⁵ in his book *Al-Fuṣūl fī 'ilm al-uṣūl* according to which al-Mu'tamid Ibn 'Abbād, the king of Seville, was an adherent of the school of Mālik b. Anas. Ibn Wuṣūl writes:

...The rightly-guided caliphs did not cease to persuade the people of the peninsula of al-Andalus to follow Mālik b. Anas's school generation after generation, century after century, until the caliphate of the approved *imām*, whose excellence is celebrated, whose justice is well-known, who relies on God, who is supported with the help of God: Abū l-Qāsim Muḥammad b. 'Abbād, may God make his kingship eternal and may every part of the earth be subject to his rule.¹⁶

It is well known that al-Mu'tamid Ibn 'Abbād ruled Seville from 460/1067–8 until 484/1091, the year in which the Almoravids exiled him to Aghmat in Morocco (near Marrakesh).¹⁷ Ibn 'Abd al-Barr al-Qurtubī (d. 463/1071) informs us about the situation of Mālikī jurisprudence in the 5th/11th century, stating:

¹⁴ 'Īsā b. Sahl, *Dīwān al-aḥkām al-kubrā* 1/1331–1332.

¹⁵ This scholar was mentioned by both al-Marrākushi in *Dhayl wa-l-takmila*, 1/109, and Ibn Farḥūn in *al-Dibāj al-mudhhab*, p. 112, neither of whom mentioned the period in which he lived. From his above-mentioned book it may be inferred that he was alive between 474/1081–484/1091–2. See Samir Kaddouri, "Ibn Wuṣūl," *Biblioteca de al-Andalus: De Ibn Sa'āda a Ibn Wuhayb*, ed. Jorge Lirola Delgado, Almería 2007, pp. 584–586 # 1312.

¹⁶ Manuscript in the Rabat National Library, no. 98 ق, folio 14 ظ.

¹⁷ Ibn Simāk al-'Āmilī al-Mālaqī, *Kitāb al-ḥulal al-mawshiya fī dhikr al-akhbār al-marrākushiyya*, pp. 72–73.

The people seeking knowledge in this time of ours and this land of ours have given up the path of their forebears, and followed in it what their *imāms* did not know... they have not taken care to preserve the *sunna*, nor to contemplate its meanings, nor any principle from the Qur'ān. They have taken no interest in the book of God, mighty and exalted is He... They have discarded the science of *sunnas* and [other] traditions. They have forsaken and turned away from them... rather, they have relied upon preserving the personal opinions and juristic preferences that were recorded for them and which were, in the minds of the scholars, the least of religious science and clear illustration... They draw analogies from what they have preserved of these issues and impose judgments on [the basis of] them and draw inferences from them. They abandon the way by which the *umma's imāms* and scholars drew inferences. Thus, they have made what needs to be proven a proof for other things...¹⁸

According to Tawfiq al-Ghalbzūrī, the Mālikī school in al-Andalus knew two basic tendencies. One tendency made its goal the study of the school's legal questions and substantive laws with little attention to *ḥadīth* and other traditions. In al-Ghalbzūrī's view this tendency was actually contrary to the way of Mālik, who used to rely on *ḥadīth* in his jurisprudence, to the point that in the Ḥijāz his school was called "the school of *Ḥadīth*." Al-Ghalbzūrī furthermore explained that the tendency preoccupied with positive rules used to be restricted to a great extent to the personal opinion of Ibn al-Qāsim. He mentions a passage from *Tartīb al-madārik* by Qāḍī 'Iyāḍ, where it is said, in the entry on Faḍl b. Salāma b. Jarīr al-Ilbīrī (d. 319/931), that the latter yearned to return to his town, Elvira (Granada), but that when he arrived, he found that the dominant position of its jurists had become consolidated, and especially their expertise in Saḥnūn's *Mudawwana*. When he sat with them and mentioned to them the statements of Mālik's followers, they said: "Stop talking about this. We don't need him. Our way is what Ibn al-Qāsim says, no one else." He saw their indifference to his knowledge so he left for Bajjāna (Pechina, Almeria).¹⁹ At the same time, there was a deep-rooted tendency that leaned toward independent reasoning (*ijtihād*), investigation and concern for Prophetic and other traditions. Among those representing this tendency, we find, for example, al-Aṣīlī,²⁰ Ibn 'Abd al-Barr and al-Bājī, who were referred to above.

¹⁸ Ibn 'Abd al-Barr, *Jāmi' bayān al-'ilm wa-faḍlihi*, 2/169–171.

¹⁹ Qāḍī 'Iyāḍ, *Tartīb al-madārik*, 5/222–223.

²⁰ Ibn Farḥūn, *al-Dibāj al-mudkhab*, pp. 224–225. He said concerning him: "He was one of the defenders of Mālik's school, speaking in favour of legal methodology, abandoning

This matter, pointed out by al-Ghalbzūrī²¹ must be called to mind when discussing the Mālikī refutations of Ibn Ḥazm. One must know to which of the two tendencies the jurist in question belongs in order to understand the kind of objections levelled against Ibn Ḥazm's opinions. We shall now examine these refutations, included or reflected in debates, epistles or books.

1.1. *A Legal Debate of Ibn Ḥazm at the Majlis (Assembly) of Ibn Wājib in Valencia*

Al-Dhahabī said: al-Yasa' b. Ḥazm said: [Ibn Ḥazm] proceeded to Valencia, where al-Muẓaffar was one of the powerful men. 'Umar b. Wājib told me about it and said: While we were in Valencia with my father, who was teaching the [Mālikī] rite, Abū Muḥammad came and listened to us and wondered [at what he heard]. He then asked those present a question on jurisprudence, to which he received a reply. He objected to this [answer], at which some of those present told him: "This knowledge is not something you can lay claim to." He got up and sat down again, then went into his rooms and withdrew. He got a cold shower but did not give up. It was no more than a few months later when we [again] went to this place, and he held a splendid debate in which he said: "I follow the truth, I exercise independent judgment and do not tie myself to any school."²²

There is no doubt according to this account that Ibn Ḥazm, by the time he was debating in Valencia, had become an independent legal scholar (*mujtahid*). This means that he was at an advanced age.²³ 'Umar b. Wājib is apparently to be identified as 'Umar b. Muḥammad b. Wājib, to whom Ibn Bashkuwāl devotes an entry in his *Ṣila*:

'Umar b. Muḥammad b. Wājib, of the people of Valencia, whose *kunyā* was Abū Ḥafṣ. He related *ḥadīth* on the authority of Abū 'Umar al-Ṭalamankī, the Qur'ān reciter, and heard the *Ṣaḥīḥ* of Muslim and other books from Abū

unquestioning imitation (*taqlīd*), one of the most knowledgeable people in *ḥadīth*, and one of the most insightful in its flaws and its transmitters."

²¹ See his doctoral dissertation, *al-Madrasa al-Zāhiriyya fī l-Maghrib wa-l-Andalus*, 1/84–104.

²² Al-Dhahabī, *Ṣiyar a'lām al-nubalā'*, 18/190–91. Concerning al-Muẓaffar, the client of the 'Āmirids who ruled Valencia between 401/1010 and 409/1018–9, consult Ibn 'Idhārī, *al-Bayān al-mughrib*, 3/158–163, 302.

²³ For a different dating of this episode, according to which Ibn Ḥazm was about twenty-five at the time, see Camilla Adang, "From Mālikism to Shāfi'ism to Zāhirism: the 'conversions' of Ibn Ḥazm," *Conversions islamiques. Identités religieuses en Islam méditerranéen/Islamic Conversions. Religious Identities in Mediterranean Islam*, ed. Mercedes García-Arenal, Paris 2001, p. 78f.

‘Abd Allāh b. al-Ḥadhdhā’. He died in approximately 470/1077–8, at the age of around sixty. It is also said he died in Sha‘bān 476 [June 1083].²⁴

Ibn Wājib was thus born in approximately 416/1025 and studied *ḥadīth* with Abū ‘Umar al-Ṭalamankī prior to 429/1037, when al-Ṭalamankī died. This means that he began seeking religious knowledge prior to the age of thirteen. If we assume that he saw Ibn Ḥazm when he had reached the age of twenty (an age that would permit him to judge the debate of Ibn Ḥazm favourably), we may infer from this that the debate took place around 436/1044–5. This is not impossible, for Ibn Ḥazm was at this date in the eastern part of al-Andalus.

1.2. *Two Debates between Ibn Ḥazm and the Qur’ān Reciter Makkī b. Abī Ṭālib*²⁵ at Cordoba

Information on these debates is provided by Ibn Ḥazm himself in *al-Iḥkām fī uṣūl al-aḥkām* and in *al-Fiṣal*. The first debate was about the question whether the caliph ‘Uthmān had suppressed six out of the total of seven readings in which the Qur’ān was revealed.²⁶ Ibn Ḥazm said:

As for their allegation that ‘Uthmān, may God be pleased with him, omitted six out of the total of seven readings in which the Qur’ān was revealed by God, mighty and exalted is He, it is one of the greatest falsehoods and lies. Let God protect ‘Uthmān, may God be pleased with him, from [the accusation of] apostasy after Islam... we shall clarify the [real] action of ‘Uthmān, may God be pleased with him, with an explanation that is obvious to believer and unbeliever alike. The fact is that he, may God be pleased with him, knew that man is not free of illusion and that some people are hypocrites who make a show of Islam and conceal unbelief... Therefore he gathered some of the Companions who were around him, may God be pleased with them, to copy rectified codices [of the Qur’ān], like the rest of the codices of the Muslims, save for the fact that these were copied in the presence of this group alone. Next, he sent to the garrison cities of the Muslims—to every garrison city—a codex that would remain with them. Thus if a deluded person had a delusion about the text of a codex, or a heretic intended to alter a word in the codex or in the recitation, he would be referred back to the well-known codex whose transmission and text had been agreed upon so that it was known that what it contained was the truth.

²⁴ Ibn Bashkuwāl, *al-Ṣila*, 2/403, no. 867. Abū ‘Umar al-Ṭalamankī was one of the teachers of Ibn Ḥazm at Cordoba. See Qāḍī ‘Iyād, *Tartīb al-madārik*, 8/32–33.

²⁵ He hailed from Qayrawān and later settled in Cordoba where he died in 437/1045. He has a biography in Qāḍī ‘Iyād, *Tartīb al-madārik*, 8/138–40.

²⁶ On the seven “readings” of the Qur’ān, see, e.g., *The Encyclopaedia of the Qur’ān*, “Readings of the Qur’ān,” Frederik Leemhuis.

How, then, could ‘Uthmān have done what the ignorant people believe, when Islam had spread from Khurāsān to Barqa, and from Yemen to Azerbaijan, and the Muslims possess more than one hundred thousand copies? There is not a village, nor an encampment, nor a city but there are Qur’ān teachers who teach [the Book] to children, men and women, and lead them with it in the ritual prayer in the mosques... Abū Muḥammad [Ibn Ḥazm] said: I met this Makkī b. Abī Ṭālib, the Qur’ān reciter—may God have mercy upon him. Once he went down this corrupt path, but when I confronted him with what it entailed, he turned back. One time, he spoke truthfully about this, just like what we hold, while another time he told me: ‘Whatever of the seven readings was consistent with the writing in the codex has remained; whatever was inconsistent with the writing in the codex was removed.’ I said to him: ‘The disastrous opinion you have backed down from concerning the suppression of [anything from] the seven readings remains just as objectionable with your assumption that it is conceivable that a single vowel from all seven readings was omitted, let alone more than one. On what basis is it required that the writing of the codex should be preserved [rather than the recitation] when it is not part of what the Messenger of God, may God bless him and grant him salvation, taught, since he was illiterate and could neither read nor write? There is no pretext for following an action by someone other than him, without instructions from him, may peace be upon him, nor is its acceptance obligatory. How, then, when the reading “*in hādḥayni la-sāḥirāni*” [“The two of these are, indeed, magicians!,” *sūra Ṭāhā* (20):63] was reliably transmitted from the Messenger of God, may God bless him and grant him salvation, through ‘Amr b. al-‘Alā’ al-Tamīmī, [though it] deviates from what is written in the codex [which has “*in hādḥāni la-sāḥirāni*”], as no Muslim has ever denied?’ Makkī b. Abī Ṭālib then reeled and stammered.²⁷

The second debate was on the question of who, after the angels and prophets, is the most excellent of all creation. Ibn Ḥazm discussed the opinions of his opponents on this question at length, and arrived at the following conclusion:

The mothers of the believers, the wives of the Messenger of God, may God bless him and grant him peace, are more excellent than all creation after the angels and the prophets, peace be upon them.²⁸

He then mentioned those who opposed him on this issue. Among them, he named Makkī b. Abī Ṭālib, the Qur’ān reciter who was referred to just now. Ibn Ḥazm reports:

²⁷ Text excerpted from Ibn Ḥazm, *al-Iḥkām fī uṣūl al-aḥkām*, 4/162–168.

²⁸ Ibn Ḥazm, *al-Fiṣal*, 4/190, and before that until p. 181, the section *al-kalām fī wujūh al-faḍl wa-l-mufaḍḍala bayn al-ṣaḥāba*. On this topic, see Abdel-Magid Turki, “Femmes privilégiées et privilèges féminins dans le système théologique et juridique d’Ibn Ḥazm,” *Studia Islamica* 47 (1978), 25–82 at pp. 45ff.

Makkī b. Abī Ṭālib, the Qurʾān reciter, opposed us by saying: ‘On this basis, the wife of Abū Bakr would necessarily be more excellent than ‘Alī, because the wife of Abū Bakr is with Abū Bakr in paradise in the same rank, which is higher than that of ‘Alī. The position of the wife of Abū Bakr is higher than the position of ‘Alī, so she is more excellent than ‘Alī.’ Abū Muḥammad [Ibn Ḥazm] said: ‘We answered him by telling him: “There is nothing to this objection at all... etc.”²⁹... Abū Muḥammad (Ibn Ḥazm) said: “Makkī b. Abī Ṭālib also argued against us saying: ‘If the Messenger of God, may God bless him and grant him salvation, is more excellent than Moses, peace be upon him, and more excellent than every one of the prophets, peace be upon them, and [Muḥammad], peace be upon him, is higher in rank in paradise than all of the prophets, peace be upon them, and his wives, peace be upon him, are with him at his rank in paradise, then their rank there is higher than the rank of Moses, peace be upon him, and that of the rest of the prophets, peace be upon them. Thus, on the strength of this, they are more excellent than Moses and the rest of the prophets, peace be upon them.’ Abū Muḥammad (Ibn Ḥazm) said: ‘We answered him as follows: “This objection is also not compelling, praise be to God, because paradise is an abode of supreme authority and obedience, and of loftiness of rank and leadership, and of followers following the leader, just as He, mighty and exalted is He, said: ‘When thou seest, thou wilt see bliss and great dominion.’³⁰...³¹

1.3. *A Debate between Ibn Ḥazm and al-Layth b. Aḥmad b. Ḥarīsh al-‘Abdarī at Cordoba*³²

Ibn Ḥazm presents a partial report from this debate, which was apparently concerned with the subject of following Mālik b. Anas. Ibn Ḥarīsh considered one of the virtues of Mālik to be that he gradually whittled down the size of his *Muwaṭṭaʾ* [by deleting more and more Prophetic or Companion Traditions]. Ibn Ḥazm opposed him on this point:

In similar terms I opposed al-Layth b. [Aḥmad b.] Ḥarīsh al-‘Abdarī in the *majlis* of the *qāḍī* ‘Abd al-Raḥmān b. Aḥmad b. Bishr,³³ may God have mercy on him, and in a great gathering of Māliki jurists. Not one of them responded with a word of opposition. Rather, all of them remained silent

²⁹ Ibn Ḥazm, *al-Fiṣal*, 4/199–200.

³⁰ *Sūrat al-Insān* (76): 20; translation adapted from M. Pickthall, *The Meaning of the Glorious Qurʾan*.

³¹ Ibn Ḥazm, *al-Fiṣal*, 4/201–203.

³² His full name is Abū l-Walid al-Layth b. Aḥmad b. Ḥarīsh, of Cordoba, where he was one of the *mushāwarūn*. His scholarship was based on reasoned opinion (*raʾy*), though he also had ample knowledge of *ḥadīth*. He was appointed judge in Almeria and died there in 428/1036–7. See Ibn Bashkuwāl, *al-Ṣīla*, 2/476, no. 1028.

³³ He was Chief Qāḍī (*Qāḍī l-jamāʿa*) of Cordoba between 407/1016 and 419/1028–9 and a great jurist. He died in 422/1030: Ibn Bashkuwāl, *al-Ṣīla*, no. 698.

except for a few who responded to me by confirming the correctness of my statement. That is to say, I told him: 'You have ascribed to Mālik, may God be pleased with him, something that, if correct, would have made him the most corrupt of people. Namely, you describe him as having disclosed to people transmissions of his that were defective, passed over and abrogated, and having hidden from them transmissions that were widely employed, sound and abrogating until he died, not disclosing them to anyone. This is a characteristic of one who intends to corrupt Islam, to create deception for its people, but God protected him from that! Rather, [Mālik] was, in our opinion, one of the *imāms* who gave counsel to this religious community, although he proved sometimes correct and sometimes mistaken. He exercised independent legal judgment, alternately succeeding and failing, just like all other religious scholars.'³⁴

From Ibn Ḥazm's statement, it may be understood that a debate took place in Cordoba between 418–19/1027–28, for we know that he was there in approximately 418/1027–422/1031, and that the *qāḍī* Ibn Bishr was removed from office in 419/1028.

1.4. *A Debate about Analogy between Ibn Ḥazm and an Important Mālikī Jurist*

Ibn Ḥazm did not reveal the identity of his rival in this debate, yet I assume that it was either Abū l-Walīd al-Bājī or the above-mentioned Ibn Ḥarīsh.

Ibn Ḥazm said [referring to compensation to be paid for the loss of fingers or teeth]:

Their most important scholar debated me—in a well-attended gathering,—on this report [from Ibn 'Abbās]. I told him: 'Analogy in the opinion of all of its proponents—and you are among them—is to relate that concerning which there is disagreement to that on which there is consensus, or to relate that for which there is no text to something on which there is one. Now, there is no consensus with regard to [compensation to be paid for] either the fingers or the teeth. Rather, there is disagreement with regard to both of them. It has been said about 'Umar that he compared [and ranked] the fingers and the molars, but it has also been said about him and others that they regarded all of these as equivalent. Thus relating that on which there is disagreement to that on which there is consensus is rendered invalid. The textual provisions concerning the fingers and the teeth are the same. Furthermore, it is impossible that Ibn 'Abbās should possess a firm textual provision on the authority of the Prophet, may God bless him and grant him

³⁴ Ibn Ḥazm, *al-Iḥkām*, 2/122. The name of al-Layth b. Ḥarīsh al-'Abdārī is erroneously given there as al-Layth b. Ḥarfaṣh al-'Abdī.

salvation, declaring the fingers and the molars to be equivalent, and would then issue a legal opinion on this on the basis of analogy.'

He asked me: 'Where is this text to this effect from Ibn 'Abbās?' I mentioned to him the report which ... goes back to the authority of Ibn 'Abbās, who said: 'The Messenger of God, may God bless him and grant him salvation, said: "The fingers are equivalent, and the teeth are equivalent, the incisors and the molars are equivalent, this and this are equivalent,"³⁵ that is, the thumb and the little finger.'

He was then stopped short and fell silent.³⁶

These debates demonstrate that Ibn Ḥazm was eager to take on his opponents. Some of them took place before a great gathering of Mālikī scholars and caused attention to be drawn to him. As a consequence religious scholars started to study his teachings and there is no doubt that this eventually led them to write works in refutation of his opinions.

The polemics against Ibn Ḥazm during his lifetime were based also on sayings of his that circulated among the people, then, and not necessarily always on his writings alone. This was the case, for example, in two letters in which Ibn Ḥazm was taken to task and subjected to difficult questions, to which he replied in kind in two epistles that have been edited by Iḥsān 'Abbās.³⁷ In his discussion of the first of these, 'Abbās states: "... There is something else that this epistle reveals, namely the circulation of opinions falsely ascribed to Ibn Ḥazm [...] This was something that exacerbated the profound disagreement between him and the adherents of other schools."³⁸

1.5. *The Letter of Abū 'Umar Aḥmad b. Rashīq, Jurist of Almeria, to Abū 'Abd Allāh b. 'Attāb concerning Ibn Ḥazm*

After leaving Majorca in approximately 440/1048–9, Ibn Ḥazm went to Denia and then arrived in Almeria sometime between 441/1049–50 and 445/1053–4. His views became widely known there. The popularity of Ibn Ḥazm's thought in Almeria made the jurist Abū 'Umar Aḥmad b. Rashīq,

³⁵ The *ḥadīth* is in *Sunan Abī Dāwud*, 312–313 (according to the editor of *al-Iḥkām*), no. 4559.

³⁶ Ibn Ḥazm, *al-Iḥkām*, 7/78.

³⁷ *Rasā'il Ibn Ḥazm*, 3/73–116, 119–28. The respective titles of these two epistles are: *Risālatāni ajāba fihimā 'an risālatayni su'ila fihimā su'al ta'nif* and *Risāla fi l-radd 'alā l-hātif min bu'd*. The second of these is discussed and translated in Camilla Adang, "Restoring the Prophet's Authority, Rejecting Taqlid: Ibn Hazm's 'Epistle to the One who Shouts from Afar'," in: Daphna Ephrat and Meir Hatina (eds.), *Commanding Knowledge: Religious Authority and Spiritual Power in Islam with Jewish Perspectives*. Salt Lake City, forthcoming.

³⁸ *Rasā'il Ibn Ḥazm*, 3/25.

head of the town's *muftīs*,³⁹ apprehensive so he wrote a letter to Abū 'Abd Allāh Muḥammad b. 'Attāb al-Qurṭubī,⁴⁰ one of the senior *muftīs* of Cordoba. This letter was sent around the period between 444/1052–3 and 446/1054–5. The *terminus post quem* is indicated by a report about this epistle by the jurist 'Īsā b. Sahl in his refutation of Ibn Ḥazm, to be discussed below. After having been judge in Bayyāsa (Baeza) by appointment of Ma'n b. Ṣumādīḥ al-Tujībī, who ruled Almeria between 433/1041 and 443/1051–2, Ibn Sahl moved to Cordoba in 444/1052–3, and accompanied his *shaykh* Ibn 'Attāb. The *terminus ante quem* is indicated by Ibn Rashīq's death in 446/1054–5 in Almeria.

Ibn Sahl says the following about the contents of Ibn Rashīq's letter:

I was in the presence of our *shaykh* Abū 'Abd Allāh b. 'Attāb—may God have mercy on him—when he received the letter of the Almerian jurist Abū 'Umar b. Rashīq about Ibn Ḥazm—this was more than thirty years ago. [Abū 'Abd Allāh] related about him: When [Mālik's disciple] Ibn al-Qāsim—may God have mercy on him—was mentioned to him, [Ibn Ḥazm] would say: 'He should bring the firewood!' When [Ibn al-Qāsim's student] Saḥnūn was mentioned to him, he said: 'He should plough the ground!' [Ibn Rashīq] said about [Ibn Ḥazm]: 'He says such and such which is the teaching of Mu'tazilis, and such and such which is the teaching of the Jahmites.' He mentioned much which now eludes me.⁴¹

There are additional letters of this kind that the jurists of al-Andalus sent to *qādīs* and fellow-jurists. Ibn Ḥazm alluded to them in the epistle in which he replied to a censorious question.

Ibn Ḥazm said: "... They are people who acted deceitfully in their attempt to defeat us. May God change their fortune and abase them, much praise be to Him. They failed in this and resorted to making petitions to the ruler.⁴² They wrote mendacious letters, but God thwarted their effort and frustrated their injustice, to Him is gratitude always, and they were driven away so they

³⁹ See Qāḍī 'Iyāḍ, *Tartīb al-madārik*, 8/154–55, and Ibn Bashkuwāl, *al-Ṣila* (ed. 'Izzat al-'Attār al-Ḥusaynī), 1/57.

⁴⁰ See Qāḍī 'Iyāḍ, *Tartīb al-madārik*, 8/131–134, and Ibn Bashkuwāl, *al-Ṣila* (ed. 'Izzat al-'Attār al-Ḥusaynī), 2/514–517. Ibn 'Attāb died in 462/1069.

⁴¹ Kaddouri, "Makhtūṭa andalusīyya farīda fī l-radd 'alā Ibn Ḥazm al-Zāhirī," *al-Dhakhā'ir* (Lebanon) 5 (1421/2001), pp. 246 and 255.

⁴² This refers to the action taken against Ibn Ḥazm and his master, the Zāhirī Ibn Muflit by Abū Bakr b. Abī l-Qarāmīd, head of the police and the marketplace in Cordoba; see Asín Palacios, *Abenházam de Córdoba* 1, pp. 136–140.

went back to making petitions to their own kind. They wrote absurd letters to the likes of Ibn Ziyād⁴³ in Denia, and ‘Abd al-Ḥaqq in Sicily...⁴⁴

According to this text, two letters were sent by opponents of Ibn Ḥazm, one to the *qāḍī* of Denia, Ibn Abī Riyāl, and another to the well-known Sicilian jurist, Abū Muḥammad ‘Abd al-Ḥaqq b. Muḥammad b. Hārūn al-Tamīmī al-Qurashī (d. 466/1073–4).⁴⁵ It is important to point out that Ibn Ḥazm composed an epistle refuting ‘Abd al-Ḥaqq al-Ṣiqillī entitled *al-Risāla al-balqā’ ‘alā ‘Abd al-Ḥaqq b. Muḥammad al-Ṣiqillī*. Al-Dhahabī mentions it among Ibn Ḥazm’s works.⁴⁶ It shows us that Ibn Ḥazm’s controversies with Mālikī religious scholars crossed the borders of al-Andalus to the island of Sicily during his very lifetime.

1.6. *The Letter of the Jurist Muḥammad b. Sa’īd al-Mayurqī to Abū l-Walīd al-Bājī concerning the Debate with Ibn Ḥazm*

The report about this letter may be found in Ibn al-Abbār’s *Takmila*, and runs as follows:

Muḥammad b. Sa’īd of Majorca, whose *kunya* was Abū ‘Abd Allāh, set out on the *hajj* fulfilling the religious duty in 452/1060–1. During his journey he accompanied the jurist ‘Abd al-Ḥaqq al-Ṣiqillī, and studied his works with him. The *imām* Abū l-Ma’ālī al-Juwaynī arrived in Mecca while the two of them were there, and they both learned from him and related his works on his authority. [Ibn Sa’īd] proceeded to Majorca and remained to study jurisprudence and its methodology. When Abū Muḥammad b. Ḥazm arrived there, this Ibn Sa’īd wrote to Abū l-Walīd al-Bājī and then went to him by a part of the coast of al-Andalus, and the two of them entered into an alliance against [Ibn Ḥazm] and debated him. They were able to silence him and expelled him from there. He was thus the reason for the enmity between al-Bājī and Ibn Ḥazm.⁴⁷

This account contains some garbled information, of which Ibn al-Abbār was unaware. He quoted it from *Ṭabaqāt a’imma al-fuqahā’* by Ibn al-Dabbāgh, though Ibn al-Abbār himself had clarified in his book *al-Ḥulla al-siyarā’*⁴⁸

⁴³ The correct reference must be to Ibn Abī Riyāl, who was *qāḍī* of Denia and died in approximately 440/1048–9. His full name is Aḥmad b. al-Ḥusayn b. ‘Uthmān al-Ghassānī. See Ibn al-Abbār, *al-Takmila*, 1/24–25.

⁴⁴ *Rasā’il Ibn Ḥazm*, 3/115–16.

⁴⁵ Qāḍī ‘Iyād, *Tartīb al-madārik*, 8/71–74; Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 275.

⁴⁶ Al-Dhahabī, *Siyar a’lām al-nubalā’*, 18/195.

⁴⁷ Ibn al-Abbār, *al-Takmila*, 1/316; al-Marrākushī transmitted it in *al-Dhayl wa-l-takmila*, 6/216.

⁴⁸ Ibn al-Abbār, *al-Ḥulla al-siyarā’*, 2/128.

that al-Bāji's debate with Ibn Ḥazm had taken place in Majorca in the presence of its governor, the secretary Abū l-'Abbās Aḥmad b. Rashīq. The latter died shortly after 440/1048–9.⁴⁹ How then can the statement be correct that the debate took place after 452/1060–1? The correct answer in my opinion is that Ibn Sa'īd went on *hajj* twice, the first time before 439/1047–8 (the date of al-Bāji's entry into al-Andalus). Qāḍī 'Iyād's biographical entry on 'Abd al-Ḥaqq al-Ṣiqillī mentions that he went on *hajj* twice:

... He went on *hajj* twice. On one of them he met Abū Muḥammad 'Abd al-Wahhāb b. Naṣr⁵⁰ and Abū Dharr al-Harawī. Later on he went on *hajj* [again] after he had grown old and advanced in years, and his renown was far behind him. At that time in Mecca, he met Imām al-Ḥaramayn Abū l-Ma'ālī [al-Juwaynī], the religious scholar and theologian. This was after 450/1058–9. He then discussed things with him...⁵¹

Ibn Sa'īd al-Mayurqī is perhaps the one who transmitted some reports about Ibn Ḥazm to 'Abd al-Ḥaqq al-Ṣiqillī (by correspondence). Al-Ṣiqillī wrote directly to Ibn Ḥazm after this. This caused him to compose the above-mentioned epistle *al-Balqā'*. I know nothing about the tenor of the written exchange between al-Ṣiqillī and Ibn Ḥazm, since I have not seen either of the two epistles. It is to be hoped that someone will, at some point, discover them.

1.7. Poetry by Ibn Ḥazm Reflecting the Main Points of the Controversies with His Opponents

When people constantly censured and rebuked him, Ibn Ḥazm said:

They said, be mindful! For people talk
A lot, and the declarations of enemies are ordeals.
Thus I asked: is it me they censure although I do
not express personal opinions, when in their opinion is temptation?
I am devoted to the text. I do not turn to
Anything else, nor find contempt in supporting it.
I do not incline toward opinions that are taught
About religion. Rather, my sufficiency is the Qur'ān and the Sunnas!

* * *

⁴⁹ al-Ḥumaydī, *Jadhwat al-muqtabis*, 1/195.

⁵⁰ Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 261: "... One of the school's *imāms* ... he was insightful, eloquent and perspicacious ... He died in 422/1030."

⁵¹ Qāḍī 'Iyād, *Tartīb al-madārik*, 8/72.

I am amazed at their affair and mine.
 What misfortune, to be tried by the people!
 I have never set out for a matter I pursued,
 But camel-vehicles and ships carried it off.
 Do they have nothing but me to preoccupy them?
 And are all of them preoccupied with and in thrall to me?
 It is as though remembering me is a praise they were so commanded,
 Thus their eloquence does not ignore me,
 Were I absent from their notice, they would mock angrily
 Until, when they see me appear, they fall silent.
 Forget secondary matters and rush to the Elucidation
 So that it may be known who abides by the best and who is subject to
 temptations.
 God is my sufficiency in the beginning and in the end,
 By remembering Him, heedlessness is driven away, as is deep-rooted
 hatred.⁵²

While extolling some books of *ḥadīth* and disparaging the *Mudawwana* by Saḥnūn, he said:

Did you forget the books of *ḥadīth* and the religion
 That came with them on the authority of the Chosen One?
 Truly, Muslim and al-Bukhārī, who
 Drew tight the bonds of religion in transmitting and making plain,
 Are more deserving of recompense, exaltation and praise
 Than any word based on the opinion of Saḥnūn.
 O, He who guided these two, make me of their kind
 In supporting Your religion sincerely without being tempted.⁵³

Al-Dhahabī said concerning Ibn Ḥazm:

... Then his independent legal reasoning led him to reject all analogy, be it apparent or hidden, and to embrace the external meaning of the text, the general sense of the Qurʾān and *ḥadīth*, the original absence of liability and the presumption of continuity. He compiled many books on this and debated about it. He spoke and wrote at length, but did not address the *imāms* with civility. In fact, he was crude in speech, was abusive and acted derisively. As a result, he was repaid in kind, as a group of *imāms* turned away from and renounced his works. They scared people away from them and, in time, they were burned. Other religious scholars took an interest in them and scrutinized them, finding both fault and profit, borrowing some and censuring some.⁵⁴

⁵² Ihsan ʿAbbās, *Tārīkh al-adab al-Andalusī* (ʿaṣr siyādat Qurṭuba), pp. 282–283.

⁵³ Ihsan ʿAbbās, *Tārīkh al-adab al-Andalusī* (ʿaṣr siyādat Qurṭuba), p. 383.

⁵⁴ Al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, 18/186–87.

To my mind, this text is one of the most accurate descriptions of Ibn Ḥazm and what befell him, and what he got into by going beyond the limits of moderation in his criticism of his opponents, and with his idiosyncratic opinions.

By way of example: ʿĪsā b. Sahl recorded for us a controversy between the jurists of Almeria and Ibn Ḥazm concerning the proper direction of prayer, which will be discussed presently.

1.8. *Controversy between Ibn Ḥazm and the Jurists of Almeria concerning the Proper Direction of Prayer*

ʿĪsā b. Sahl said:

[Ibn Ḥazm would deviate] from the proper direction of prayer, instead praying toward the East, the direction of prayer for the Jews and the Christians of greater Syria. Occasionally, he prayed like this next to the *qāḍī* Ibn Sahar. The *shaykhs* and jurists of Almeria now were apprehensive of this, and told the *qāḍī*: Either he prays toward our direction of prayer or, if not, drive him away from you so that he does not remonstrate to you against us some day. The *qāḍī* informed him of this and [Ibn Ḥazm] left Almeria for Denia.⁵⁵

The *qāḍī* in question, Ibn Sahar, is Abū l-Ḥasan Mukhtār b. ʿAbd al-Raḥmān b. Mukhtār b. Sahar al-Ruʾaynī al-Qurṭubī. The people of Almeria appointed him to the office of *qāḍī* there. He assumed charge of it in 428/1036–7 after the death of the previously mentioned *qāḍī* Abū l-Walid al-Layth b. Aḥmad b. Ḥarīsh al-ʿAbdarī. Ibn Sahar remained in office until he died in Cordoba in 435/1043–4 during a visit there.⁵⁶ This limits the time of Ibn Ḥazm's departure from Almeria to between 428/1036–7 and 435/1043–4. I am under the impression that, in taking the above-mentioned position, Ibn Ḥazm discarded his original view recorded in *al-Muḥallā*, which is summarized as follows: "Anyone who does not know the proper direction of prayer will pray in whatever direction he wishes." This was one of twelve other juridical questions on which Ibn Ḥazm was denounced. When word about this reached him, he wrote the work entitled *al-ʿIṣāb ʿan kashf al-iltibās mā bayna aṣḥāb al-zāhir wa-aṣḥāb al-qiyās*, in which he mentions these questions in order to expose the truth about them.⁵⁷ Ibn

⁵⁵ Kaddouri, "Identificación de un manuscrito andalusí anónimo," p. 313, fn. 65.

⁵⁶ His biography and some reports about him may be found in the following sources: Saʿīd al-Andalusī, *Tabaqāt al-umam*, p. 96; Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 8/89; Ibn Bashkuwāl, *al-Šīla*, no. 1374; Ibn Saʿīd al-Maghribī, *al-Mughrib*, 2/207–08; al-Maqqarī, *Nafh al-tib*, 3/381. The above-mentioned text shows Ibn Sahar as one of the defenders of Ibn Ḥazm.

⁵⁷ This is what Ibn Sahl reports in his tract, *al-Tanbih ʿalā shudhūdh Ibn Ḥazm*, see Kaddouri, "Identificación de un manuscrito andalusí anónimo," pp. 308–309.

Sahl excerpted them from this work along with Ibn Ḥazm's doctrine about them, and refuted one question after the other. However, the manuscript of Ibn Sahl's refutation of Ibn Ḥazm is in poor condition, and large parts of the text containing Ibn Ḥazm's arguments as well as Ibn Sahl's own objections against them are not legible.

1.9. *Refutations by Ibn Ḥazm's Contemporaries*

Some Andalusī jurists and religious scholars opposed Ibn Ḥazm, but they did so in a dispassionate and civilized manner, producing reasoned arguments. Some also quietly held back instead of rushing to raise objections.⁵⁸ The texts that I shall mention in this paragraph are lost, and our knowledge of them derives from secondary sources, with the exception of ʿĪsā b. Sahl's, whose refutation has reached us in fragments.

1.9.1. Opposition to *al-Fiṣal* by one of the religious scholars of al-Andalus
One of Ibn Ḥazm's contemporaries raised objections to his book *al-Fiṣal fī l-mīlāl wa-l-niḥāl*. When Ibn Ḥazm heard of this, he wrote a book entitled *al-Radd ʿalā man iʿtaraḍa ʿalā l-Fiṣal*, as is clarified by al-Dhahabī.⁵⁹ It is important to point out that there are many subjects in *al-Fiṣal* that could give rise to the opposition of the religious scholars of al-Andalus. They include Ibn Ḥazm's stinging criticism of the Ashʿarites, his theory concerning the issue of creation of the Qurʾān, his categorical doctrine on the corruption of the Old and New Testaments, his idiosyncratic opinions on the issue of the relative excellence of the Companions, his teachings on the question of the attributes of God, his defense of the sphericity of the earth (which was denied by his adversaries), and so on.⁶⁰

1.9.2. A work in refutation of Ibn Ḥazm by ʿAbd Allāh b. Aḥmad al-Judhāmī al-Bunnāhī

Al-Dhahabī mentions among the works of Ibn Ḥazm the following title: *al-Taʿaqqub ʿalā l-Ifḥāl fī sharḥihi li-dīwān al-Mutanabbī*.⁶¹ However, I believe that Ibn Ḥazm found little fault with al-Ifḥāl, for in his epistle about

⁵⁸ Ibn Ḥazm himself called attention to this. See *Rasāʾil Ibn Ḥazm al-Andalusī*, 3/126 (= *Risāla fī l-radd ʿalā l-hātif min buʿd*).

⁵⁹ Al-Dhahabī, *Sīyar aʿlām al-nubalāʾ*, 18/195.

⁶⁰ As with ʿĪsā b. Sahl, who refuted Ibn Ḥazm in his book *al-Tanbīh* concerning this question.

⁶¹ Al-Dhahabī, *Sīyar aʿlām al-nubalāʾ*, 18/197.

the excellence of al-Andalus he praises his commentary on al-Mutanabbī: “Related to this (that is, poetry): the commentary of Abū l-Qāsim Ibrāhīm b. Muḥammad al-Ifilī on the *dīwān* of al-Mutanabbī which is very good.”⁶² Ibrāhīm b. Muḥammad b. Zakarīyā al-Ifilī died in 441/1049–50.⁶³ But Ibn Bashkuwāl records in *al-Ṣila*:

‘Abd Allāh b. Aḥmad, known as Ibn al-Bunnāhī, of Malaga, with the *kunya* of Abū Muḥammad, studied under Abū l-Qāsim b. al-Ifilī, and was knowledgeable about literature, languages and poetry. He wrote a refutation of Abū Muḥammad b. Ḥazm concerning his criticism of Ibn al-Ifilī in his commentary on al-Mutanabbī’s poetry...⁶⁴

This al-Bunnāhī is almost certainly to be identified with a scholar who received a separate entry in Ibn Bashkuwāl’s *Ṣila* and whose death occurred in 445/1053–4 in Seville. Ibn Bashkuwāl says:

‘Abd Allāh b. Aḥmad b. Muḥammad b. ‘Abd al-Raḥmān b. al-Hasan b. Mas‘ūd al-Judhāmī, known as al-Bazilyānī, whose *kunya* was Abū Muḥammad; lived in Seville. He was one of those adept in literature, poetry, the art of writing letters, language and historical reports, possessing diverse kinds of knowledge... He died in Seville in 445/1053–4. His birth occurred in Ṣafar 391/December 1000.⁶⁵

1.9.3. The book *Firaq al-fuqahā*’ by the *qāḍī* Abū l-Walīd Sulaymān b. Khalaf al-Bājī (d. 474/1081)

Before discussing this book, one should understand its context. On one side, we have al-Bājī, the Mālikī scholar. He set out to the East and became skilled in jurisprudence, theology, argumentation, and *ḥadīth*. He then returned to al-Andalus in 439/1047–8 after a journey that lasted thirteen years, during which he met a group of the most important religious scholars of the East. On the other, we have Ibn Ḥazm, the Ṣāḥirī jurist who spread doctrines that his opponents among the Mālikīs found repugnant. However, not one of them ever measured up to Ibn Ḥazm in argument and debate nor had the power to deter him and curb his defiance. In what follows I shall provide a detailed discussion of what first led to the confrontation between Ibn Ḥazm and al-Bājī and how it played out.

⁶² *Rasā’il Ibn Ḥazm*, 2/183 (= *Risāla fī faḍl al-Andalus wa-dhikr rijālīhā*).

⁶³ Ibn Bashkuwāl, *al-Ṣila*, 1/93, no. 206.

⁶⁴ The date of his death was not mentioned, see Ibn Bashkuwāl, *al-Ṣila*, 1/283, no. 622; Abū al-Hasan al-Bunnāhī, *al-Marqaba al-‘ulyā*, pp. 19–20.

⁶⁵ Ibn Bashkuwāl, *al-Ṣila*, 1/275, no. 605.

a) Ibn Ḥazm's arrival on the island of Majorca and what he provoked there. 'Īsā b. Sahl provides the following information in his refutation of Ibn Ḥazm:

The Ṣāḥirī jurist was connected to the secretary Abū l-'Abbās b. Rashīq in Denia. There, he shifted from the Shāfi'ī legal school to the school of the Ṣāḥirīs and became prolific in writing, collecting and compiling. His connection to Ibn Rashīq was established in the last days of al-Muwaffaq Mujaḥid al-'Āmirī⁶⁶ [who ruled the eastern islands of al-Andalus and the capital of Denia between 400/1009 and 436/1044–5]. Ibn Rashīq had brought about [Ibn Ḥazm's] transfer to the island of Majorca, showing concern for him and promoting his cause. He imposed the condition on him to not give legal opinions to its inhabitants except by the legal school of Mālik, may God have mercy on him, not by what he himself believed. This was in the beginning of the forties,⁶⁷

the forties being the years between 431/1039–40 and 440/1048–49.

Ibn al-Abbār writes:

Abū 'Abd Allāh b. 'Awf was a jurist following the school of Mālik, around whom the issuing of legal opinions revolved. After him, Abū Muḥammad b. Ḥazm arrived in Majorca through the efforts of Abū l-'Abbās b. Rashīq to this end. There his teachings spread. The arrival of Ibn Ḥazm occurred after 430/1038–9.⁶⁸

Abū 'Abd Allāh b. Muḥammad b. Abī Naṣr al-Ḥumaydī (d. 488/1095)⁶⁹ provides the following information:

Muḥammad b. 'Abd al-Raḥmān b. 'Awf, Abū 'Abd Allāh, the jurist, studied jurisprudence in Cordoba, and learned there and elsewhere [from] a group [of scholars]...and arrived at the islands [i.e., Majorca]. I studied under him. He was a leading scholar in jurisprudence. He became blind, so he occupied himself with jurisprudence and became a leader in it...He died...in 434/1042–3.⁷⁰

If we put these texts together, we see that Ibn Ḥazm arrived at Majorca between 434/1042–3 and 436/1044–5, but that he did not clash with Ibn 'Awf as Abdel-Magid Turki assumed. Turki claimed that Ibn 'Awf was the second Mālikī scholar in Majorca whom Ibn Ḥazm defeated at a gather-

⁶⁶ al-Ḥumaydī, *Jadhwat al-muqtabis*, 2/564–66.

⁶⁷ Kaddouri, "Identificación de un manuscrito andalusí anónimo," p. 313.

⁶⁸ Ibn al-Abbār, *al-Takmila*, 2/301.

⁶⁹ He is the greatest of Ibn Ḥazm's students, and hailed from Majorca: Ibn Bashkuwāl, *al-Ṣila*, 2/560–61.

⁷⁰ al-Ḥumaydī, *Jadhwat al-muqtabis*, 1/116, no. 97.

ing for a debate,⁷¹ but he did not offer evidence for this statement. The most likely scenario in my opinion is that Ibn Rashīq took advantage of the opportunity of the death of Ibn ‘Awf, the Majorcan jurist, to appoint Ibn Ḥazm in his place, on condition that he deliver legal opinions to the people according to the legal school of Mālik, not according to his Zāhiri school.

b) Ibn Ḥazm’s debate with the jurist Abū l-Walīd Ibn al-Bāriya.⁷² We are informed about this debate by Qāḍī ‘Iyāḍ and by Ibn al-Abbār in two similar and complementary accounts. Here, I shall mention the account of Ibn al-Abbār while putting the additions by ‘Iyāḍ between French brackets.

Ibn al-Abbār said: “Abū l-Walīd b. al-Bāriya: one of the jurists of Majorca following the school of Mālik, one of the most knowledgeable and perceptive of his peers in the field of legal questions. When Abū Muḥammad b. Ḥazm arrived in the island of Majorca after 430/1038–9, and spread his knowledge there, a debate {about following Mālik} took place between him and Abū l-Walīd, in which [the latter] committed an error and Ibn Ḥazm bested him in speech {so that the ruler had him imprisoned and humiliated}. This was in the presence of Abū l-‘Abbās b. Rashīq. The situation called for Abū l-Walīd to be imprisoned and to be offered the opportunity to show contrition. Thus, he spent some days in prison and witnesses testified to his contrition. He was then set free and departed from the island with the *ḥajj* procession. He died on his way there, may God have mercy with him.” ‘Iyāḍ added in his account: {“The *qāḍī* Abū l-Walīd al-Bāji mentioned the story about [his encounter with Ibn Ḥazm] in the book *Firaq al-fuqahā’*.”}⁷³

Ibn Ḥazm said: “We did, indeed, offer this accursed man . . . who is turning to you with these fabricated lies and contrived scandals, that is, Ibn al-Bāriya, the opportunity to show contrition.”⁷⁴ This text indicates that Ibn al-Bāriya proceeded to circulate false rumours against his adversary Ibn Ḥazm before departing on the *ḥajj*. Abū ‘Abd al-Raḥmān b. ‘Aqīl al-Zāhiri⁷⁵ believes that Abū l-Walīd b. al-Bāriya was himself the author of the “Epistle from the one who shouts from afar,” which Ibn Ḥazm refuted. I do not know how he reached this conclusion or what the argument for

⁷¹ ‘Abd al-Majīd Turkī, *Munāẓara fī usūl al-sharī‘a al-islāmīyya bayna Ibn Ḥazm wa-l-Bāji*, p. 54.

⁷² He has only a short biography taken from *Firaq al-fuqahā’* by al-Bāji; both Qāḍī ‘Iyāḍ in *Tartīb al-madārik* and Ibn al-Abbār in *al-Takmila* mention it in approximately the same fashion. We will mention them in the report about this debate.

⁷³ Ibn al-Abbār, *al-Takmila*, 4/154; Qāḍī ‘Iyāḍ, *Tartīb al-madārik*, 8/158.

⁷⁴ *Rasā’il Ibn Ḥazm*, 3/126 (= *Risāla fī l-radd ‘alā l-ḥātīf min bu’d*).

⁷⁵ In his book, *Ibn Ḥazm khilāl alf ‘āmm*, 1/158.

it is. Rather, Ibn Ḥazm's statement about Ibn al-Bāriya refutes it, because in it he addresses "the one who shouts from afar," and indicates that he knew that this person was receiving slanderous misinformation from Ibn al-Bāriya. I have shown elsewhere that the one nicknamed "the one who shouts from afar" (*al-Hātif min bu'd*) is none other than the *qāḍī* ʿIsā b. Sahl.⁷⁶

c) The spread of the legal school of Ibn Ḥazm in Majorca and how it was accomplished (according to Ibn Sahl). Ibn Sahl said:

[Ibn Ḥazm] was criticized for many mistakes, and his ignorance of [the school of Mālik] became plain to those [in Majorca]. In spite of this, he did not cease to urge people to embrace his school and to invite them to accept his way.

In another place, he said:

Among the examples of the disdain, deviation, lack of religiosity and outrageous behaviour that Ibn Ḥazm displayed at Majorca... during the time of Iqbāl al-Dawla ʿAlī b. Mujāhid⁷⁷ was that whenever he met a young man there, [Ibn Ḥazm] worked to gain his favour and ordered his companions to trick him into coming to see him. When he then came to him, he treated him with deference, was generous to him and made him desire to be in his group of friends. He would tell him: You are, by the praise of God, endowed with an understanding that allows you to grasp jurisprudence without study or exertion, while those who study, drudge and plod like asses and are always distressed, and in spite of that, do not understand. A question that you understand and whose cause you know perhaps [suffices for one hundred questions. You will attain] what Mālik and others attained... Then he tells his friends: Bring a question that we might test him on, so they mention a question [and ask him]: What is its judgment in your opinion? This young man is thus embarrassed and ceases to speak—as he does not see it and was not prepared for it. [Ibn Ḥazm] then tells him: It doesn't matter! Tell us how it seems to you. He and his friends pester him until this young man says: To me it seems so and so. Then [Ibn Ḥazm] says: God is great! I was right about you. You are more knowledgeable than Mālik concerning this issue, because he said such and such about it and you said so and so. Next, he attests to the correctness of his statement in the presence of his friends. He spends the remainder of his session marvelling at [the eminence of] this young man, pronouncing his statement to be sound and that of Mālik, with whom he had been associated, to be weak. He gradually turns to

⁷⁶ Kaddouri, "Identificación de un manuscrito andalusí anónimo," pp. 316–317.

⁷⁷ One of the Party-Kings (*mulūk al-Ṭawāʾif*). He ruled Denia after his father between 436/1044 and 468/1075–6.

joking, jesting, and [telling] amusing and useless stories that he takes from a book that he wrote about this, which he entitled *Al-Muraṭār*. Human beings, now, are inclined to amusement, so this young man leaves, having been tempted by him, and goes to his father, mother and brothers and tells them: I am more knowledgeable than Mālik, what's the story about Mālik?! Is he not a human being! In this way Ibn Ḥazm manages to court the affection of gullible people and fools for his repugnant legal school and his manifest deviation from religion, in contradiction to all the pious forebears, and to disdain and disparage them...⁷⁸

Al-Bājī said:

When [Ibn Ḥazm] was asked about a legal question, he would tell those present or the person asking: What do *you* say about it and how does it seem to *you*? He would continue to persuade him until he would give his opinion about it. [Ibn Ḥazm] would then commend his action and approve his opinion and say: What you say about this is better than what Mālik and other scholars say. He would suggest this to him and he would fill him with doubt about himself until he came to believe the opinion [suggested to him by Ibn Ḥazm], became arrogant and defamed Mālik and other scholars.⁷⁹

It would seem that al-Bājī and Ibn Sahl have the same source, whom I believe to be one of the adversaries of Ibn Ḥazm at Majorca, like Ibn al-Bāriya or Ibn Sa'īd, who invited al-Bājī to debate Ibn Ḥazm on the island, as will be seen below.

d) The debates of Ibn Ḥazm and Abū l-Walīd al-Bājī in Majorca. According to Qāḍī 'Iyāḍ:

[Al-Bājī] found—upon his arrival in al-Andalus—that Ibn Ḥazm al-Dāwūdī enjoyed an excellent reputation, but his demeanour was reprehensible. His speech had an elegance that took hold of the hearts of the people. He had a way of moving freely in disciplines which the jurists of al-Andalus could not match at that time—due to their inadequacy in the use of philosophical speculation⁸⁰ and the fact that they did not take it seriously—for not one of them would get up and debate him. His stature grew accordingly. They left the field to him, although they admitted that he created confusion. When

⁷⁸ *al-Tanbih 'alā shudhūdh Ibn Ḥazm* by Qāḍī 'Isā b. Sahl, microfilm no. 5 at the Rabat National Library.

⁷⁹ Al-Burzulī transmitted the statement of al-Bājī from his book *Firaq al-fuqahā'* in his *Nawāzīl*, Beirut: Dār al-Gharb al-Islāmī, 2002, vol. 6, p. 375.

⁸⁰ Because of the dominance of the tendency towards positive law among the Mālikīs in al-Andalus, as was argued by al-Ghalbzūrī (see above). This is supported by the statement of Abū Bakr b. al-'Arabī in *al-'Awāšim fī min al-qawāšim* (see below).

Abū l-Walīd arrived in al-Andalus, possessing an exactness, thoroughness and familiarity with the ways of argument and debate that he had obtained during his journey, the people⁸¹ made him an *imām* on account of it. Debating sessions took place between him and Ibn Ḥazm that were the cause of the latter's humiliation and departure from Majorca—after he had been the leader of its inhabitants. His position then remained low afterwards. Abū l-Walīd mentioned in his book *al-Firaq* enough [details] from these sessions to satisfy anyone who reads it.⁸²

Qāḍī Abū Bakr Ibn al-ʿArabī described the atmosphere that prevailed in Majorca before al-Bāḡī's arrival there as follows:

It proved agreeable to [Ibn Ḥazm] to be in the midst of people who had no insight except in points of positive law (*masā'il*). If he demanded that they produce evidence, they were incapable of providing it so he laughed at them with his friends.⁸³

Ibn Farḥūn states in *al-Dibāj al-mudhhab*:⁸⁴

[al-Bāḡī] held many debating sessions with [Ibn Ḥazm] that were recorded by people.

What, then, are the questions around which these debates centred? And is it true that al-Bāḡī was entirely victorious over Ibn Ḥazm in them?

For the answer to this, I cite an important text by al-Subkī:⁸⁵

[Ibn Ḥazm] went too far in this book of his [i.e., *al-Fiṣal*] in disparaging the Sunni *shaykh* Abū l-Ḥasan al-Ashʿarī... Abū l-Walīd al-Bāḡī and others attacked Ibn Ḥazm for this and other reasons. He was expelled from his country and subjected to things that have been divulged in books, such as the purging of his books and other things.

According to this statement, the conflict revolved around questions of theology as taught by the Ashʿarites which Ibn Ḥazm opposed and on which al-Bāḡī then debated him. This is confirmed by passages from Ibn Ḥazm's book *al-Fiṣal* in which he calls attention to his disputations with al-Bāḡī and describes him as one of the proponents of Ashʿarite thought

⁸¹ We have explained above that one of them was the jurist Muḥammad b. Saʿīd al-Mayurqī, who had corresponded with al-Bāḡī for the purpose of debating Ibn Ḥazm.

⁸² Qāḍī ʿIyāḍ, *Tartīb al-madārik*, 8/122.

⁸³ Abū Bakr b. al-ʿArabī, *al-Awāṣim min al-qawāṣim*, pp. 249–250.

⁸⁴ See Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 198, biography of Abū l-Walīd Sulaymān b. Khalaf al-Bāḡī.

⁸⁵ Al-Subkī, *Ṭabaqāt al-shāfiʿiyya al-kubrā*, 1/43.

in al-Andalus. The debates between al-Bājī and Ibn Ḥazm dealt with the following questions:

- whether it is conceivable for prophets to lie when communicating the divine message, or to commit sins and grave offenses. Ibn Ḥazm said:

The Karrāmīs have said: It is conceivable that prophets commit all grave offenses and sins, excepting only lying when communicating the revelation, for they are prevented from that. Sulaymān b. Khalaf al-Bājī, who is one of the leaders of the Ash‘arites, mentioned to me that some of them also say: Lying while communicating the revelation is also conceivable on the part of the prophets and messengers, upon them be peace.⁸⁶

Perhaps this reflects the content of a debate between them on this question.

- whether there are some minor (pardonable) sins. Ibn Ḥazm—alluding to al-Bājī—said:

I heard one of their proponents deny that there are some sins that are minor (pardonable), so I debated him with the words of God, exalted is He: If you avoid the grave offenses, which you are forbidden, We will remit from you your misdeeds.⁸⁷ I said: Every sensible person necessarily knows that there are no grave offenses except in relation to [misdeeds that] are less consequential than these. These are the misdeeds that are forgiven by avoiding the grave offenses, as stipulated by the word of God, exalted is He. This teaching of yours simply contradicts the Qur‘ān. At this he became confused and resorted to anger.⁸⁸

- the theory of states according to the doctrine of the Ash‘arites. Ibn Ḥazm said:

One of the foolish things about the Ash‘arites is their teaching that people have states and qualities that are neither non-existent nor existent, neither known nor unknown, neither created nor uncreated, neither eternal nor originated, neither true nor false; they are the knowledge of the one knowing that he has knowledge, the experience of the one experiencing whatever he experiences. This is what we heard from them literally and saw in their books... Sulaymān b. Khalaf al-Bājī, their leader, debated with me on this question at a well-attended gathering. I told him: This is just like what the

⁸⁶ Ibn Ḥazm, *al-Fiṣal*, 5/74.

⁸⁷ *Sūrat al-Nisā’*(4): 31.

⁸⁸ Ibn Ḥazm, *al-Fiṣal*, 5/88–89. On this matter see the contribution by Christian Lange in this volume.

ordinary people among us say: Grapes are neither from the vine, nor from the trellis.⁸⁹

– Another conflict between the two of them concerning a doctrine of the Ash‘arites. Ibn Ḥazm said:

All of them [i.e., the Ash‘arites] said: Anyone who says that fire burns or scorches, that the ground quivers and puts something forth, that wine intoxicates, that bread satiates or that water quenches [thirst]... has deviated from religion and invented lies... Abū Muḥammad said: This is giving the lie to God, mighty and exalted is He, as He says: “Fire scorches their faces,”⁹⁰... and His words, may He be exalted: “When we send water down thereon, it quivers, multiplies and puts forth every lovely pair.”⁹¹ I hit one of their proponents on the head with this. He was then perplexed and showed himself to be dull-witted.⁹²

– The statement of al-Bājī about his debates with Ibn Ḥazm. Al-Burzulī said:

Al-Bājī claimed that he got together with Ibn Ḥazm in Majorca and that there were disputes and arguments between them the upshot of which—according to what he said—was the suppression of [Ibn Ḥazm’s] legal school... Then al-Bājī said: In sum, the man does not have strength of knowledge, nor proficiency in argumentation. He is, however, acquainted with empty matters and some initial knowledge....⁹³

After this, al-Bājī wrote his book *Firaq al-fuqahā’*, which apparently contained reports about famous jurists and in which the author mentions the disputations that he witnessed in Baghdad. He also mentions some of his own debates in the East and al-Andalus. This may be inferred from some of the excerpts of this otherwise lost book found in *Rawḍat al-i‘lām bi-manzilat al-‘arabiyya min ‘ulūm al-islām* by Ibn al-Azraq al-Gharnāṭī,⁹⁴ *Tartīb al-madārik* by Qāḍī ‘Iyāḍ, *Ṭabaqāt al-Shāfi‘iyya* by Tāj al-Dīn al-Subkī and *Sīyar a‘lām al-nubalā’* by al-Dhahabī.

⁸⁹ Ibn Ḥazm, *al-Fiṣal*, 5/77.

⁹⁰ Sūrat al-Mu‘min (40): 104.

⁹¹ Sūrat al-Ḥajj (22): 5.

⁹² Ibn Ḥazm, *al-Fiṣal*, 5/87–88.

⁹³ *Nawāzil al-Burzulī*, vol. 6, p. 375.

⁹⁴ ‘Ulaysh (d. 1299/1881–2), *Faṭḥ al-‘ulyā al-mālik*, vol. 2, pp. 550, 567–570.

In his *Nawāzil*, al-Burzulī transmitted what Abū l-Walīd al-Bājī related in *Firaq al-fuqahā* about the debate his brother Ibrāhīm b. Khalaf had with Ibn Ḥazm. Al-Burzulī writes:

[Abū l-Walīd al-Bājī] said that his brother Ibrāhīm b. Khalaf al-Bājī met Ibn Ḥazm one day and that [the latter] said to him: What do you study under your brother? He replied to him: I study a lot under him. He then asked: Should I not condense this knowledge for you so that he could teach you what will profit you in a short period of time of a year or less? He replied to him: If this were proper, he would have done it. He asked him: or in a month? He replied: That would be most desirable. He asked: or on a Friday? He replied: That would be more desirable to me than anything.

He told him: If I bring you a question, submit it to the book of God. If you do not find it there, submit it to the *sunna*. If you do not find this there, submit it to the questions on which there is consensus. If you find it there, [well and good], but if you do not, then it is essentially permissible, so do it. I replied to him: What you guided me to requires a long life and sublime knowledge because it requires familiarity with the Qurʾān, familiarity with its abrogating and abrogated verses; its interpreted, obvious and clearly fixed meanings; its absolute and general injunctions; and so on among its judgments. It also requires the memorization of *ḥadīth*, the ability to tell the sound from the faulty ones; the strong, incomplete and problematic transmissions; their interpretation; the dating of their prior and later ones; and so on. It requires familiarity with questions of consensus and the adherence to them in all parts of Islam. There are few who comprehend this.⁹⁵

1.9.4. *Al-Tanbīh ‘alā shudhūdh Ibn Ḥazm* by Qāḍī Abū l-Aṣḥagh ‘Īsā b. Sahl

The jurist ‘Īsā b. Sahl was born in Jaén in 413/1022–3. He then moved to Cordoba and studied jurisprudence under its *shaykhs*. He occupied himself for a time as secretary to the *qāḍīs* in Cordoba and Toledo. He arrived in Ceuta between 467/1074 and 470/1077–8 approximately and was welcomed by its Barghawātī ruler. He then began to teach there until the beginning of 476/1083. Subsequently he moved to Tangier and was entrusted with the judiciary until the beginning of 480/1087. After that he entered al-Andalus and acted as *qāḍī* in Granada, where he died in 486/1093.⁹⁶

⁹⁵ *Nawāzil al-Burzulī*, vol. 6, p. 375.

⁹⁶ For ‘Īsā b. Sahl’s biography, see Qāḍī ‘Iyāḍ, *Tartīb al-madārik*, 8/167–210; Ibn Bashkuwāl, *al-Šila*, no. 942; Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 282; Makhlūf, *Shajarat al-nūr al-zakiyya*, p. 122; Ibn al-Khaṭīb, *al-Iḥāṭa* (ed. ‘Abd al-Salām Shuqūr), pp. 265–267. The information provided here is excerpted from my article about his life; cf. Samir

In *Barnāmaj shuyūkh al-Ruʿaynī*, Abū l-Ḥasan al-Ishbīlī al-Ruʿaynī (d. 666/1267–7) refers to Ibn Sahl's book in refutation of Ibn Ḥazm when discussing a meeting that took place between Abū l-Ḥajjāj al-Aʿlam al-Shantamarī and Ibn Ḥazm. He summarizes it as follows:

Ibn Ḥazm met al-Aʿlam and asked him: Master, do the Arabs form the plural of *fāʾil* with *fuʾlān*? Al-Aʿlam said: I told him yes, and started to explain through examples. He then told me: So what prevents *subḥān* from being the plural of *sābiḥ*? Al-Aʿlam said: I was amazed at his ignorance.

After this anecdote, al-Ruʿaynī says: "... *Qāḍī* Abū l-Aṣḥagh b. Sahl mentioned something like this in his book which he called *Tanbīh ʿalā shudhūdh Ibn Ḥazm*..."⁹⁷

A substantial section of a manuscript of this book was discovered more than forty-five years ago in the Qarawayyīn Library in Fez.⁹⁸ I do not know what happened to the manuscript itself after that, but it was preserved on a microfilm (no. 5) at the National Library in Rabat. I was able to study it and published two articles on it in which I discussed its contents and importance. Suffice it here to mention that the text is incomplete, comprising 269 pages, the larger part of which has been affected by termites. Its script is old Andalusī, which goes back to (roughly) the 6th/12th or 7th/13th century, and there are usually 19 lines on every page.

ʿĪsā b. Sahl quoted a number of sources in this book, among them:

- *al-Inbāḥ ʿalā istinbāṭ al-aḥkām min kitāb Allāh* by the *qāḍī* Mundhir b. Saʿīd al-Ballūṭī (d. 355/965–6);
- *al-Qawāʿid* by Ibn Ḥazm;
- *al-Nukat al-mūjiza fī nafy al-umūr al-muḥdatha fī uṣūl aḥkām al-dīn* by Ibn Ḥazm;
- *al-Amr bi-l-iqtidāʾ wa-l-nahy ʿan al-shudhūdh ʿan al-ulamāʾ* by the famous Mālikī legal scholar Ibn Abī Zayd al-Qayrawānī (d. 386/996);⁹⁹
- *al-Istizhār* by Abū ʿUmar b. ʿAbd al-Barr (d. 463/1071);¹⁰⁰

al-Qaddūri, "al-Faqīh al-qāḍī ʿĪsā b. Sahl al-Asadī al-Jayyānī (t. 486 M.)," *al-Tārīkh al-ʿarabī* 37 (2006), pp. 307–332.

⁹⁷ *Barnāmaj shuyūkh al-Ruʿaynī*, pp. 33–34.

⁹⁸ Muḥammad Ibrāhīm al-Kattānī, "Muʿallafāt Ibn Ḥazm bayna anṣārihi wa-khuṣūmihi," *al-Thaqāfa al-Maghribiyya*, 1, 1390 H., pp. 93–94.

⁹⁹ See Ibn Farḥūn, *al-Dibāj al-mudhhab*, pp. 222–23, no. 271; Abū Bakr b. Khayr, *Fihrist*, pp. 211, 213.

¹⁰⁰ This is *Kitāb al-Istizhār fī ḥadīth ʿAmmār*. This is how it is referred to by the editor of *Kitāb al-Anṣāb* by Ibn ʿAbd al-Barr.

– The epistle of Abū ‘Umar [Aḥmad] b. Rashīq to Ibn ‘Attāb concerning Ibn Ḥazm.¹⁰¹

In a previous article I have argued that *al-Tanbīh ‘alā shudhūdh Ibn Ḥazm* was written approximately in the period between 476/1074 and 480/1087–8 in the city of Tangier. Therefore, I have listed it here among the responses to Ibn Ḥazm in the period of the Party-Kings.

‘Īsā b. Sahl went on at length in refuting Ibn Ḥazm’s *al-Iḥkām li-uṣūl al-aḥkām*. However, he also refuted some of the discussions in other writings by Ibn Ḥazm, like *al-Fiṣal fi l-milal wa-l-niḥal*, *Marātib al-ijmā‘*, *al-Taqrīb li-ḥudūd al-manṭiq*, and the epistles *Marātib al-‘ulūm* and *al-Tawqīf ‘alā shāri‘ al-najāh*. Ibn Sahl disavowed Ibn Ḥazm’s doctrine concerning the corruption of the books that the Jews and Christians hold sacred. Ibn Sahl’s opinion was close to that of the leading exegete Fakhr al-Dīn al-Rāzī (d. 606/1209).¹⁰² Ibn Ḥazm had earlier replied to those who shared Ibn Sahl’s opinion in *al-Fiṣal*.¹⁰³

These are the sections of Ibn Sahl’s book according to my arrangement—by my personal judgment, that is, for the book’s folios are out of order and incomplete. Due to this, it is difficult to arrange them precisely:

- a – Introduction;
- b – Chapter on what compels later Muslims to emulate earlier Muslims and obligates them to respect them and hold them in esteem;
- c – Chapter mentioning the reprehensible innovations attributed by Ibn Ḥazm to the Companions and the generation that followed them, and his disdain for all the *imāms* of the Muslims;
- d – Section containing additional proof of Ibn Ḥazm’s confusion.
- e – Section mentioning his deviations from the *umma* and disputes with all of the *imāms*.

The book would have great scholarly value were it to be found in its entirety, because its author was one of the leading scholars of Mālikī jurisprudence.

¹⁰¹ Discussed above.

¹⁰² Abū ‘Abd Allāh Muḥammad b. ‘Umar Fakhr al-Dīn al-Rāzī, the famous theologian and exegete; he was born in 544/1150. See Ibn Khallikān, *Wafayāt al-a‘yān*, 4/284; al-Subkī, *Tabaqāt al-shāfi‘iyya*, 8/81.

¹⁰³ Ibn Ḥazm, *al-Fiṣal*, 1/317–19.

2. *Refutations of Ibn Ḥazm during the Almoravid Period*

The origins of the Almoravid state are to be traced back to the journey of Yaḥyā b. Ibrāhīm, a member of the Judāla tribe (which forms part of the Ṣanhāja), from the desert in southern Morocco to the East. On his way back from the *ḥajj*, he went to Qayrawān and attended the *majlis* of the influential Mālikī jurist Abū 'Imrān al-Fāsi.¹⁰⁴ After a discussion between them, Abū 'Imrān suggested that Yaḥyā b. Ibrāhīm visit Wajjāj b. Zallū, a jurist from the extreme Maghrib, in the Sūs. He wrote him a letter in which he bade him to take care of Yaḥyā and to find him someone who could go with him to the Judāla tribe in order that he might instruct them in religion. Wajjāj did so and chose one of his students, a man named 'Abd Allāh b. Yāsīn al-Jazūlī, who had visited al-Andalus during the period of the Party-Kings and resided there for seven years reading and studying. He had thus obtained much knowledge when he returned to the extreme Maghrib. Ibn Yāsīn now travelled with Yaḥyā b. Ibrāhīm to the Judāla tribe, and taught and instructed them while they showed him reverence and honour. Other tribes joined, such as the Lamtūna. He called them *al-murābiṭūn* (Almoravids), owing to their steadfastness against the polytheists among the Berbers. While 'Abd Allāh b. Yāsīn had the religious authority, political and military power came to be in the hands of the Lamtūnid emir Abū Bakr b. 'Umar. Ibn Yāsīn was killed during a military expedition. The emir Abū Bakr b. 'Umar built a new city, Marrakesh, which was to become the Almoravid capital. During his stay, news reached him of a Judāla uprising against his Lamtūna tribe. He then set out to return to the desert leaving his cousin, Yūsuf b. Tāshfīn, in charge. After his return, Abū Bakr b. 'Umar handed the kingdom over to Yūsuf b. Tāshfīn and returned to the desert in approximately 465/1072–3. The kingdom of Ibn Tāshfīn expanded in the Maghrib and the Party-Kings sought its aid against the Christians of al-Andalus. Ibn Tāshfīn therefore proceeded there in 479/1086, when the famous battle of al-Zallāqa took place. He then saw the weakness of the Party-Kings, and the disagreement

¹⁰⁴ Abū 'Imrān Mūsā b. 'Īsā b. Abī Hajjāj al-Ghafjūmī. Of Berber origin and from Fez, he settled in Qayrawān and became a leading scholar there. He studied jurisprudence with Abū l-Ḥasan al-Qābisī. He traveled to Cordoba where he studied jurisprudence with al-Aṣīlī and others. He travelled to the East and performed the *ḥajj* pilgrimage, and went to Iraq... He studied principles [of law] and theology under Abū Bakr al-Bāqillānī. He met a group of scholars and attended the lectures of Abū Dharr al-Harawī. People from all over the Maghrib and al-Andalus studied under him. He wrote *al-Ta'liq 'alā al-Mudawwana*. He died in 430/1038–9, according to Ibn Farḥūn, *al-Dibāj al-mudhhab*, pp. 422–423.

and quarreling between them. This impelled him to ponder the unification of al-Andalus under his rule. His conviction on this matter increased after his second crossing to al-Andalus in 481/1088 to lay siege to the city of Aledo near Murcia. In 483/1090, Ibn Tāshfīn crossed to al-Andalus and removed al-Muʿtamid b. ʿAbbād, ruler of Seville, and ʿAbd Allāh b. Buluqqīn, ruler of Granada and other cities. He forced them to leave for the Maghrib and added al-Andalus to his kingdom.¹⁰⁵

From the very beginning, then, Mālikī scholars were involved in the creation of the Almoravid state and it is therefore not surprising that its rulers were attached to the school of Mālik; they defended it and punished anyone who deviated from it. Evidence of this is what is stated in the letter of the last of the Almoravid emirs, Tāshfīn b. ʿAlī b. Yūsuf b. Tāshfīn,¹⁰⁶ to the jurist Abū Zakarīyā Yahyā b. Alī, the *qāḍī* Abū Muḥammad b. Jaḥḥāf, and the other jurists and ministers in Valencia. It says:

... Know—may God have mercy upon you—that the scope of legal opinions and the course of judgments and consultation (*shūrā*) among inhabitants of the town and the steppe follow what the pious forebears—may God have mercy upon them—agreed upon, namely, to restrict themselves to the legal school of the Imām of the Abode of the Hijra [i.e., Medina], Abū ʿAbd Allāh Mālik b. Anas, may God be pleased with him. Neither *qāḍī* nor *muftī* has the right to abandon his legal school. He may not adopt anything but it in declaring what is lawful or prohibited. Anyone who deviates from his viewpoint in his legal opinion or tends toward other *imāms* has done as he pleased and followed his own whims. When you discover a book of innovation or an innovator—and beware especially, may God grant you success, of the books of Abū Ḥāmid al-Ghazālī—its traces should be followed and its contents subsequently wiped out through burning and inquiries should be made concerning it. Anyone suspected of concealing [such books] will be forced to swear an oath...¹⁰⁷

Ibn Ḥazm's own books had been burned previously in Seville during the time of al-Muʿtaḍid bi-llāh, in spite of the fact that Ibn Ḥazm's relations with him had apparently initially been good, for he dedicated his book *al-Fiṣal* to him.¹⁰⁸ The ones responsible for this destruction were

¹⁰⁵ Ibn Simāk al-ʿĀmili, *al-Hulal al-mawshīyya*, pp. 19–26, 32–73; ʿAbd Allāh b. Buluqqīn (last of the Party-Kings in Granada), *al-Tibyān*, pp. 121–134.

¹⁰⁶ Ibn al-Khaṭīb, *al-Iḥāṭa*, 1/446; Ibn ʿIdhārī, *al-Bayān al-mughrib*, 4/78.

¹⁰⁷ *Rasāʾil Andalusīyya*, ed. Fawzī Saʿd ʿĪsā, pp. 58–59. See there the biographies of those addressed in this letter on p. 55, fn. 2 and 3.

¹⁰⁸ On Ibn Ḥazm's statement to this effect, see Kaddouri, "Identificación de un manuscrito andalusí anónimo," p. 318, n. 78.

clearly people who were in league against him.¹⁰⁹ As for al-Ghazālī, the *qāḍī* Ibn Ḥamdīn issued a *fatwā* authorizing the burning of his books. A group of the leading jurists of al-Andalus opposed him in this unfortunate legal opinion. For example, the jurist ‘Alī b. Muḥammad b. ‘Abd Allāh al-Judhāmī, known as al-Barjī (d. 509/1115–16) in Almeria said: “The one who burns these [i.e., the books of al-Ghazālī] must be punished and held liable for their value.” Abū l-Qāsim b. Ward and Abū Bakr b. ‘Umar b. al-Faṣīḥ followed him in this opinion.¹¹⁰

The Maghrib and al-Andalus did not stand alone in this phenomenon. The physician Lucien Leclerc, in his *History of Arab Medicine*, cites Yūsuf al-Sabtī, who related that in 6th/12th century Baghdad he saw the books of ‘Abd al-Salām al-Jīlī being publicly burned under the supervision of Ibn al-Māristāniyya. The books of the mathematician and astronomer Ibn al-Haytham about astronomy were also burned, in spite of the fact that astronomy does not lead to infidelity or heresy, according to al-Sabtī.¹¹¹

2.1. A Section from *al-Radd ‘alā Ibn Ḥazm* by Abū Bakr b. Mufawwiz al-Shātibī

According to Ibn al-Abbār,

Muḥammad b. Ḥaydara b. Mufawwiz al-Ma‘āfirī Abū Bakr, who hailed from Jativa and lived in Cordoba [was] one of the erudites—rather, the last of them in al-Andalus—in the field of *ḥadīth* and its [possible] flaws, one of the prominent figures in his occupation, familiar with its meanings, memorizing the names of its transmitters, with exactitude, caution and thoroughness... He wrote a refutation of Abū Muḥammad b. Ḥazm that I read over to some of our shaykhs... He died in Cordoba in 505/1111–12.¹¹²

Ibn Bashkuwāl does not mention this book in his biographical entry on Ibn Mufawwiz, but al-Dhahabī refers to it in *Siyar a‘lām al-nubalā’*.¹¹³ Moreover, in *Tadhkirat al-ḥuffāẓ* he says: “[Ibn Mufawwiz] wrote a refutation of Ibn Ḥazm that I saw.”¹¹⁴

¹⁰⁹ Some of ʿĪsā b. Sahl's students tore up a copy of a book by Ibn Ḥazm. Ibn Sahl himself did not encourage this act; see Kaddouri, “Identificación de un manuscrito andalusí anónimo,” p. 311, n. 53.

¹¹⁰ For this question, see Ibn al-Abbār, *al-Takmila*, 3/182; al-Marrākushī, *al-Dhayl wa-l-takmila*, 5/1, p. 308.

¹¹¹ Lucien Leclerc, *Tārīkh al-ṭibb al-‘arabī*, 1/586.

¹¹² Ibn al-Abbār, *Muʿjam aṣṣḥāb Abī ‘Alī al-Sadaṭī*, pp. 94–95, biography no. 81.

¹¹³ Al-Dhahabī, *Siyar a‘lām al-nubalā’*, 19/421. The editor comments that Ibn ‘Abd al-Hādī also read the book of Ibn al-Mufawwiz in refutation of Ibn Ḥazm.

¹¹⁴ Al-Dhahabī, *Tadhkirat al-ḥuffāẓ*, 4/1255.

Excerpts from Ibn Mufawwiz's book may be read in the following works:

1 – In his *Bidāyat al-mujtahid*, Abū l-Walīd b. Rushd (Averroes, d. 595/1198) writes:

... those who gave preference to the general implication over the particular [said that it is not permitted], and this is the opinion of Abū Muḥammad b. Ḥazm on this question—for he alleged that in the eyes of the *ḥadīth* scholars, Abū l-Zubayr was a *mudallis*. Now, the *mudallis* in their eyes is anyone who does not narrate the tradition with a proper and traceable *isnād* due to his leniency in this. The *ḥadīth* of Abū Burda, however, is unimpeachable. Those who construed the meaning of the general in terms of the specific, which is the well-known method of [the majority of] the experts on legal methodology, exempted from this generality the six-month old sheep mentioned in the text from this general implication, which is preferable. Abū Bakr b. Mufawwiz, in a statement in which I think he sought to reply to Ibn Ḥazm on this issue, declared this *ḥadīth* to be sound and Abū Muḥammad Ibn Ḥazm to be in error in what he ascribed to Abū l-Zubayr.¹¹⁵

2 – In his *Sharḥ al-ilmām bi-aḥādīth al-aḥkām*, Abū l-Faṭḥ Muḥammad b. ‘Alī al-Qushayrī, widely known as Ibn Daqīq al-‘Īd (d. 702/1303), mentions Ibn Ḥazm's opinion concerning one who urinates in stagnant water, and then says:

One of those who denounced Ibn Ḥazm for this was the learned scholar Abū Bakr b. Mufawwiz, who said—after reporting [Ibn Ḥazm's] statement: Consider, may the exalted God have mercy upon you, the nonsense collected in this statement and the hideousness it contains. And then he alleges that this is the religion that God legislated and with which He sent the Messenger of God, may God bless him and grant him salvation!¹¹⁶

3 – In *Tahdhīb al-tahdhīb* Ibn Ḥajar al-‘Asqalānī (d. 852/1448) says, in the biography of Jawn b. Qatāda b. al-A‘war al-Tamīmī al-Baṣrī:

Ibn Ḥazm was misled by the appearance of the *isnād*. Thus he extracted a *ḥadīth* from al-Ṭabarī on the authority of Muḥammad b. Ḥatīm, who had it

¹¹⁵ Abū l-Walīd b. Rushd, *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*, *Kitāb al-aḍāhī*, issue 3: the identification of the ages stipulated for sacrificial animals, p. 356. I thank Abū Ishāq al-Tiṭwānī for alerting me to this and other passages in this text. Cf. Ibn Rushd, *The Distinguished Jurist's Primer. Bidāyat al-Mujtahid*, 1/522.

¹¹⁶ Ibn Daqīq al-‘Īd, *Sharḥ al-ilmām*, 1/415. Tawfiq al-Ghalbzūrī concluded after reading this excerpt that the book of Ibn Mufawwiz refuting Ibn Ḥazm was limited to criticizing Ibn Ḥazm's anomalous juridical questions. This is incorrect, for most of the excerpts that I have read are related to the science of *ḥadīth*.

from Hushaym, and said in his transmission that it was on the authority of Jawn... adding that it was sound. Abū Bakr b. al-Mufawwiz questioned it, because Muḥammad b. Ḥātim had erred concerning it. It is, on the contrary, Jawn on the authority of Salama, and Jawn is unknown.¹¹⁷

4 – In the biographical entry in *Tahdhīb al-tahdhīb* on Khālīd b. Abī l-Ṣalt al-Baṣrī, governor of ‘Umar b. ‘Abd al-‘Azīz, Ibn Ḥajar also mentions the following:

Abū Muḥammad b. Ḥazm said: He is unknown. ‘Abd al-Ḥaqq [al-Ishbīlī] said: he is weak. Ibn Mufawwiz questioned the statement of Ibn Ḥazm saying: [Khālīd b. Abī l-Ṣalt] is widely known in transmission [of historical reports] and well-known for conveying religious knowledge. However, his *ḥadīth* is defective.¹¹⁸

Unfortunately, the book by Ibn Mufawwiz is still lost. If it were discovered, it would be of great benefit to the science of *ḥadīth* and would reveal Ibn Ḥazm’s fanciful opinions on this science, seeing that it is (as far as I know) the first scholarly critique of Ibn Ḥazm’s handling of *ḥadīth*. With this book, Ibn Mufawwiz precedes Quṭb al-Dīn al-Ḥalabī, as well as Ibn al-Qaṭṭān al-Fāsī and others.

2.2. *al-Radd ‘alā Ibn Ḥazm by Abū Bakr ‘Abd Allāh b. Ṭalḥa al-Jāburī*

Abū Bakr b. Ṭalḥa hailed from Evora (Yābura) and resided in Seville. He related on the authority of Abū l-Walīd al-Bājī and a group [of other scholars] in the west of al-Andalus. He was knowledgeable in grammar, the principles [of theology], jurisprudence, and exegesis and devoted to it. He taught a class on exegesis for a time in Seville and elsewhere. He travelled to the East and wrote a book commenting on the first part of the *Risāla* of Ibn Abī Zayd al-Qayrawānī, clarifying the theological doctrines that it contains. He wrote compilations on jurisprudence and legal methodology including a refutation of Ibn Ḥazm (*Radd ‘alā Ibn Ḥazm*)... He travelled to al-Mahdiyya in 514/1120–1 and for its ruler, ‘Alī b. Tamīm b. al-Mu‘izz al-Ṣanhājī, he wrote his book *Sayf al-Islām ‘alā madhhab Mālik al-Imām*. He travelled to Mecca where he died in 518/1124–5.¹¹⁹

¹¹⁷ Ibn Ḥajar al-‘Asqalānī, *Tahdhīb al-tahdhīb*, 2/122–23; idem, *al-Iṣāba*, 1/245.

¹¹⁸ Ibn Ḥajar al-‘Asqalānī, *Tahdhīb al-tahdhīb*, 3/184–85.

¹¹⁹ See Ibn al-Abbār, *al-Takmilā*, 2/250–51; al-Suyūṭī, *Bughyat al-wu‘āh*, 2/46; al-Dāwudī, *Ṭabaqāt al-mufasssīrīn*, 1/232; al-Maqqarī, *Nafḥ al-ṭīb*, 2/648; Makhlūf, *Shajarat al-nūr al-zakiyya*, p. 13. See Samir Kaddouri, “Ibn Ṭalḥa al-Jāburī,” *Biblioteca de al-Andalus: De Ibn Sa‘āda a Ibn Wuhayb*, ed. Jorge Lirola Delgado, Almería, 2007, pp. 475–476 # 1245.

Al-Maqqarī mentions this book in *Azhār al-riyād fī akhbār ʿIyād*.¹²⁰ Abū Jaʿfar al-Lablī alludes to some of what was in Ibn Ṭalḥa al-Jāburī's *Radd ʿalā Ibn Ḥazm* in his *Fihrist*, from which one learns that the author, following the custom of Ashʿarite religious scholars, criticized Ibn Ḥazm on account of his quarrel with them in *al-Fiṣal*.

Al-Lablī said:

... Ibn Ḥazm often used to spread lies about the Ashʿarites and others... due to his limited familiarity with their sciences, and his lack of insight into anything of their theology, because he only read their books by himself [as opposed to under the guidance of teachers], according to what the *imām* Abū Muḥammad ʿAbd Allāh b. Ṭalḥa mentioned in his book.¹²¹

Abū Bakr b. Ṭalḥa inherited from Abū l-Walīd al-Bājī a disregard for the ideas of Ibn Ḥazm, especially those by which he objected to the Ashʿarites. For this reason, I consider al-Jāburī a continuator of the school of Abū l-Walīd al-Bājī in refuting Ibn Ḥazm.

2.3. *The fatwā of Abū l-Walīd b. Rushd al-Jadd (d. 520/1126) on the Invalidation of the Testimony by Someone who Rejects Analogy*

The rejection of analogy is one of the old and essential questions in the dispute between the *Zāhirīs* and their opponents among the *Mālikīs*, *Shāfiʿīs* and *Ḥanafīs*. Someone in Almeria asked Abū l-Walīd b. Rushd about a witness who is attested to as being good, pious and religious but who professes the legal doctrine of the *Zāhirīs*. Is this something that invalidates his testimony or not?

Abū l-Walīd¹²² answered as follows:

The rejection of analogy by religious scholars in the judgments of religion is an innovation. This is something that undermines the credibility of anyone who believes it.

Next, Ibn Rushd went into a justification of analogy and its lawfulness with arguments well-known to its proponents (and about which Ibn Ḥazm had previously fiercely argued with them). Then he said:

As for the rejection of some aspects of analogy, it is not a cause for the invalidation [of testimony] if it is by scholars well versed in religious science, and with complete mastery of the techniques of independent judgment

¹²⁰ Al-Maqqarī, *Azhār al-riyād*, 3/77.

¹²¹ *Fihrist al-Lablī*, p. 83

¹²² *Masāʾil Abī al-Walīd ibn Rushd (al-Jadd)*, 2/1273–79.

(*ijtihād*), for his duty is to go by what his independent judgment has led him to. On the other hand, if he has not attained this rank, and his duty is emulation, then he abandons what the community follows and deviates toward the anomalous without knowledge or familiarity but the pursuit of his unapproved whim. He is not led by right guidance...

I surmise that the *Ẓāhirī* intended in the legal opinion is

Abū ‘Abd Allāh Muḥammad b. Ḥusayn b. Aḥmad b. Muḥammad al-Anṣārī, of Almeria. He was devoted to *ḥadīth* and its transmission, and renowned for his knowledge of it. He was knowledgeable about the names of the men who transmitted it. He wrote a good book combining the traditions from the *Ṣaḥīḥs* of Muslim and al-Bukhārī. He was humble, modest, learned and devout. He was a *Ẓāhirī* in jurisprudence. He was born in 456/1063–4 and died in 532/1137–8 in Almeria.¹²³

2.4. *The Writings of Abū Bakr b. al-‘Arabī al-Ma‘āfirī (d. 543/1148)*¹²⁴ *Refuting Ibn Ḥazm’s School*

The jurist and *qāḍī* Abū Bakr b. al-‘Arabī, who has already been referred to, said in *al-‘Awaṣim min al-qawāṣim*:

The first reprehensible innovation (*bid‘a*) I encountered on my journey [to the East], as I told you, was the doctrine of the *bāṭin*, but when I returned I found that the whole of the Maghrib had been filled with the doctrine of the *ẓāhir* by a feeble-minded man by the name of Ibn Ḥazm, from the countryside of Seville. He had been raised in and belonged to the Shāfi‘ī legal school. He then attached himself to Dāwūd. Then he renounced everything and became entirely independent. He alleged that he is the *imām* of the *umma*: he imposes and abolishes, judges and legislates, ascribes to God’s religion what it does not contain, and attributes views to the religious scholars that they never expressed, filling people’s hearts with an aversion to them and slandering them. He deviated from the path of correct argument in the essence and attributes of God, and brought calamities that I clarified in my epistle *al-Ghurra*.¹²⁵

He then said:

When I returned from my voyage, I found that my city was teeming with [*Ẓāhirīs*], and that the fire of their error was scorching. Therefore, I stood up to them, though unaided by my peers and lacking any worthy helpers to follow in my footsteps... One of our companions brought me something by Ibn Ḥazm called *Nukat al-Islām*, in which there were catastrophes. Pro-

¹²³ Ibn Bashkuwāl, *al-Ṣila*, 2/581–82, no. 1280.

¹²⁴ See about him the study of Sa‘īd A‘rāb, *Ma‘a al-Qāḍī Abī Bakr ibn al-‘Arabī*.

¹²⁵ Abū Bakr b. al-‘Arabī, *al-‘Awaṣim min al-qawāṣim*, p. 249.

hibitions were thus unsheathed against it. Another brought me the epistle *al-Durra fī al-i'tiqād*, which I refuted in the epistle *al-Ghurra*.¹²⁶

From this statement by Ibn al-ʿArabī we learn that he found that Ibn Ḥazm's legal school had spread throughout the Islamic West at the end of the fifth/eleventh and beginning of the sixth/twelfth centuries, and that he had occupied himself with refuting this school by himself, having criticized two writings of Ibn Ḥazm in two separate works, namely:

1 – *al-Ghurra fī l-radd ʿalā l-Durra*. The full name of the book which he refuted is *al-Durra fī taḥqīq al-kalām bimā yalzam al-insān i'tiqāduhu fī al-milla wa-l-niḥla bi-khtiṣār wa-bayān*.¹²⁷

2 – *al-Nawāhī ʿan al-dawāhī*, in refutation of Ibn Ḥazm's *Nukat al-Islām*. No book by Ibn Ḥazm with this title has been found. The closest title is *al-Nukat al-mūjiza fī nafy al-umūr al-muḥdatha fī uṣūl aḥkām al-dīn min al-raʾy wal-qiyās wa-l-istiḥsān wa-l-taʿlīl wal-taqlīd*.¹²⁸

Ibn al-ʿArabī summarized some of what was mentioned in *al-Nawāhī* and included it in *al-Awāṣim min al-qawāṣim*, where he says:¹²⁹

Know . . . we have prepared in *al-Nawāhī ʿan al-dawāhī* the method for refuting them and the way of piercing their armour. You must realize that they do not have any evidence for their doctrine nor any argument for their opinion, it is only foolish intimidation. I make two recommendations to you: Firstly, do not seek information from them. Secondly, you should demand evidence from them. If you seek information from the innovator, he will make trouble for you. If you call upon him to show evidence, he will not find a path to it . . .

It also appears that Ibn al-ʿArabī refuted certain Zāhirīs about legal issues that they proposed, including:

- The fact that they depend on consensus while they only accept the consensus of the Companions, in particular;¹³⁰
- The issue of person who urinates in stagnant water;¹³¹

¹²⁶ Abū Bakr b. al-ʿArabī, *al-Awāṣim min al-qawāṣim*, p. 250.

¹²⁷ Printed by Dār al-Turāth at Mecca, first printing, 1404/1988. See Ṭahā b. ʿAlī Būsariḥ, *al-Manhaj al-ḥadīthī ʿinda Ibn Ḥazm*, p. 118, n. 6.

¹²⁸ This is how ʿIsā b. Sahl refers to it in his refutation of Ibn Ḥazm. See Kaddouri, "Identificación de un manuscrito andalusí anónimo," p. 310.

¹²⁹ Abū Bakr b. al-ʿArabī, *al-Awāṣim min al-qawāṣim*, pp. 250–280.

¹³⁰ Abū Bakr b. al-ʿArabī, *al-Awāṣim min al-qawāṣim*, p. 256.

¹³¹ Abū Bakr b. al-ʿArabī, *al-Awāṣim min al-qawāṣim*, pp. 257–258.

- Ibn Ḥazm's teaching that God is capable of taking a son and creating a god if He wishes and intends this;¹³²
- The view that whoever willfully neglects to pray until its appropriate time has lapsed, is not obliged to make up for it;¹³³
- Ibn Ḥazm's teaching that the Qur'ān is God's word and His knowledge. The terms "Qur'ān" and "the word of God" signify five things: knowledge; what is heard in the mosque's prayer niche; what is kept in the hearts; what is written in the copies of the Book, and the meanings that are grasped from the Book's recitation. Each of the latter four, taken in isolation and expressed orally or in writing, is created, but when the knowledge of God is intended, this is uncreated.¹³⁴

It remains for us to point out that Abū 'Umar Aḥmad b. Muḥammad b. Ḥazm, one of our Ibn Ḥazm's descendants, in turn refuted Abū Bakr b. al-'Arabī's *al-Nawāhī 'an al-dawāhī* in an epistle entitled *al-Zawā'igh wa-l-dawāmiḡh*.¹³⁵

3 – A *qaṣīda* by Abū Bakr b. al-'Arabī in refutation of the Zāhiris. It appears in the author's *ʿAriḍat al-aḥwadhī*, where he says:¹³⁶

However, it's a disease that has got worse, and for which rarely a remedy is found among us. Ignoramuses have issued legal opinions by it and were favourably disposed to it. A man who had been among us called Ibn Ḥazm deceived them; he gave authorization for the nullification of examination, obstructed the means of interpretation and attached himself to the *zāhir* following the example of Dāwūd and his followers. Thus, he spilled his ink on paper and corrupted souls. He used poetry and prose in his refutation of the truth, but not without slips and mistakes. Regarding some of his objections and in refutation of his evil actions, I have uttered this poetry:

They said, "The outward meanings are a principle from which we are not permitted

To deviate toward personal opinion or examination."

I said, "Go away! The place of religion is not for you!

These are disasters, so be ashamed of your malevolence.

Go back! For going down to drink from the well is perilous,

Except for those who hope for success in their hearts.

¹³² Abū Bakr b. al-'Arabī, *al-'Awāṣim min al-qawāṣim*, p. 259.

¹³³ Abū Bakr b. al-'Arabī, *al-'Awāṣim min al-qawāṣim*, pp. 259–260.

¹³⁴ Abū Bakr b. al-'Arabī, *al-'Awāṣim min al-qawāṣim*, p. 268.

¹³⁵ al-Marrākushī, *al-Dhayl wa-l-takmila*, 1/1, p. 407.

¹³⁶ Abū Bakr b. al-'Arabī, *ʿAriḍat al-aḥwadhī*, 10/111–12.

Indeed, the outward indications are few in their occurrences.
 How do you reckon the elucidation of judgments among men?
 The Ṣāhirīs are, in the voidness of their sayings,
 Just like the Bāṭinīs save the difference in form.
 Each of them destroys religion in some respect,
 While the one granted probity is devoted to examination.
 These companions set their desires to quarrelling,
 And they are not afraid to expose themselves to danger.
 Use personal opinion whose sources are correct,
 And extract the truth that is hidden in tradition,
 In those fortunate is a lesson for those who discern.
 So do not conceal your heart in a moment of heedlessness.
 Doctrine is a fundamental principle and whatever provisions it supplies,
 Examine them with a heart truthful in its thoughts.
 When you saw the statutes of religion in an arrangement
 Of jewels, you strung together some dung.
 When the watering pool of Islam was limpid and undisturbed,
 You dropped excrement in it and then dipped into the muddiness.
 Remove yourself from mankind—you are not one of them ever,
 What does the human race have to do with a fattened cow?

3. *The Refutations of Ibn Ḥazm during the Almohad Period*

There can be no doubt about the support of the Almohads for the Ṣāhirī school, given the ample evidence and many proofs cited by Tawfiq al-Ghalbzūrī in his book *al-Madrasa al-Ṣāhiriyya bi-l-Maghrib wa-l-Andalus*.¹³⁷ I will restrict myself to a few passages among them:

3.1. *Ismāʿīl b. al-Aḥmar, Author of the Book Buyūtāt Fās al-kubrā, said:*

The Almohad rulers adorned themselves with the legal school that was known to them, following the Mahdī, their first leader, the proponent of his corrupt belief in disavowing personal opinion in positive law, and acting solely according to Ṣāhirī doctrine. When they conferred the judgeship of the Maghrib on the chief *qāḍī* ʿAbd Allāh b. Ṭāhir al-Ṣiqillī al-Ḥusaynī, they required him to order the *qāḍīs* in the Maghrib to pass judgment solely according to Ṣāhirī doctrine. They then obeyed his order and began to pass judgment solely and exclusively according to Ṣāhirī doctrine. They proceeded with this custom for the duration of their time.¹³⁸

¹³⁷ See the second part of his book, the first section of chapter four, pp. 480–571, called “Min Ṣāhiriyyat al-fikra ilā Ṣāhiriyyat al-dawla,” where he provides an excellent discussion of the matter.

¹³⁸ *Buyūtāt Fās al-kubrā*, p. 19: “The above-mentioned *qāḍī* was one of the great *ḥadīth* scholars. He was *qāḍī* to al-Manṣūr, to whom he attached himself in 587/1191–2 and whose

3.2. *In the Section on Innovations in his Mi'yār, al-Wansharīsī says*

One of [the innovations] was what the *Ẓāhirī mahdī* Muḥammad b. Tūmart introduced . . . namely to repeat the supplication after the ritual prayer, and the supplication based on it is by performing the ritual prayer of Islam upon completion of the call to prayer.¹³⁹

3.3. *Speaking about the Maghribī Mahdī, al-Shāṭibī says: "His Legal School was the Ẓāhirī Innovation."*¹⁴⁰

3.4. *The Successor (khalīfa) to the Mahdī Ibn Tūmart, 'Abd al-Mu'min b. 'Alī al-Kūmī, Proceeded According to the Ẓāhirī doctrine after him. Al-Burzulī al-Qayrawānī (d. 841/1437–8) said in his Nawāzil*

When the empire was pacified by the emir 'Abd al-Mu'min, he gathered the jurists, either to test their legal school or to induce them to follow the school of Ibn Ḥazm. It was related about Abū 'Abd Allāh b. Zarqūn¹⁴¹ that he said: I was among those whom he summoned. His secretary and minister Abū Ja'far b. 'Aṭīyya rose at the beginning and gave a brief address. Next, he turned back to the jurists and said to them: Our lord has been informed that some of those who possess knowledge have abandoned the book of God and the *sunna* of the Messenger of God, may prayer and peace be upon him, and have begun to pass judgment among the people and give legal opinions using these positive laws and matters for which there is no basis in the Law . . . He ordered that anyone who did this after that day, and studied any positive laws or legal issues, would be punished severely and such and such would be done to him. Then he fell silent. The emir 'Abd al-Mu'min raised his head to him and motioned to him to sit down, so he sat down.

[The emir] said: Did you hear what he said? The students replied to him: Yes.

He said: We heard that some people have a book they call The Book (*al-Kitāb*)—meaning *al-Mudawwana*—and that if someone told them of a matter of *sunna* that was not in it or that was in conflict with it, they would say: This is not in The Book! Or: It is not the way of The Book! Now, no book is to be consulted other than the Book of God, exalted is He, and the *sunna* of His messenger, may God bless him and grant him salvation. [Ibn Zarqūn] said: He thundered and roared sowing fear and warning about looking into these books, while the jurists kept silent.

favour he enjoyed. He died in 608/1211–12 or 609/1212–13." See also Ibn Abī Zar' al-Fāsī, *al-Dhakhīra al-saniyya*, p. 48; al-Ghalbzūrī, *al-Madrasa al-Ẓāhiriyya*, 2/487, n. 1.

¹³⁹ al-Wansharīsī, *al-Mi'yār al-mu'rib*, 2/361–62; al-Ghalbzūrī, *al-Madrasa al-Ẓāhiriyya*, 2/488.

¹⁴⁰ al-Shāṭibī, *al-I'tisām*, 1/256; al-Ghalbzūrī, *al-Madrasa al-Ẓāhiriyya*, 2/489.

¹⁴¹ See below for his biography.

Next, he made some remarks. Ibn Zarqūn said: When [the ruler] lent his ear to me and I was given a chance to speak, I said: My lord, all of what is in the book—meaning *al-Mudawwana*—is based on the Qurʾān and *sunna*, the statements of the forebears and consensus (*ijmāʿ*). The jurists have merely abridged it for the sake of learners and students who examine it. The jurists who were present at the time then spoke out in agreement with me...¹⁴²

Ibn Zarqūn, now, is

Muḥammad b. Saʿīd b. Aḥmad b. Saʿīd, known as Ibn Zarqūn al-Anṣārī of Seville. He was originally from Badajoz. His *kunya* was Abū ʿAbd Allāh. He acted as *qāḍī* in Silves and Ceuta. His conduct was praised. He was a great scholar of jurisprudence with proficiency in literature and also wrote poetry. People used to travel to him to study under him and hear [*ḥadīth*] from him due to his elevated *isnāds*. He was born in 502/1108–9 and died in Seville in the middle of Rajab, 586/August 1190.¹⁴³

Some of those who dispute that the Almohads were Zāhirīs who followed the school of Ibn Ḥazm have argued that they were indeed Zāhirīs, but of another kind, and did not follow the teachings of Ibn Ḥazm. In answer to this claim, we cite the testimony of a Maghribi historian contemporary with the Almohad state, who said after providing a detailed biography of Ibn Ḥazm:

However, I have conveyed this story from the reports on this man [i.e., Ibn Ḥazm] even though it upsets the chronological order... because he is the most famous scholar of al-Andalus today and the one most mentioned in the sessions of the leaders and in the conversations of scholars. This is due to his disagreement with the Mālikī legal school in the Maghrib and his obstinate clinging to the *zāhir*. No one I knew among us was widely known for this before him. His school and followers have multiplied among us in al-Andalus today.¹⁴⁴

From this reference point, I say that the Almohads did indeed fight the books on the derivation of laws sanctioned by the Mālikīs. They burned them and imprisoned those who were found to have any part of them in their possession. In fact, they attempted to wipe out the school of Mālik and have that of Ibn Ḥazm take its place.¹⁴⁵ However, the people returned

¹⁴² *Nawāzīl al-Burzulī*, vol. 6, p. 376.

¹⁴³ Ibn Farḥūn, *al-Dibāj al-mudhhab*, pp. 379–80.

¹⁴⁴ The speaker is ʿAbd al-Wāḥid al-Marrākushī (who was alive in 621/1224–5) in his book *al-Muʿjib*, pp. 76–77.

¹⁴⁵ ʿAbd al-Wāḥid al-Marrākushī said: “In his [Yaʿqūb al-Manṣūr’s] day, the discipline of positive law was disrupted and the jurists feared him. He ordered the books of the legal school to be burned after the *ḥadīth* of the Messenger of God, may He bless him and grant

to the school of the *imām* of Medina, the Abode of the Hijra, immediately after the fall of the Almohad state.

3.5. *A Book about Issues on which Ibn Ḥazm Had Been Criticized, Collected by Abū Bakr b. Khalaf al-Anṣārī al-Mawwāq*

Al-Burzulī said:

The time of the emir Ya'qūb [d. 595/1199], now, came and he wanted to induce the people to follow the books of Ibn Ḥazm. The jurists at the time opposed him, among them Abū Yahyā Ibn al-Mawwāq. He was the most knowledgeable of them in *ḥadīth* and legal issues. When he heard this, he stayed in his home, studied, and devoted himself to collecting the issues on which Ibn Ḥazm had been criticized until he had exhausted them. He was not usually absent from Ya'qūb [the ruler]. Now, when he had finished, he went to him. [Ya'qūb] asked him about the circumstances of his absence, for he held him in great esteem. [Ibn al-Mawwāq] replied to him: My lord, I was at your service when I heard you mention that the people were to be induced to follow the books of Ibn Ḥazm, which contain things that God forbid you should induce them to follow. [Ibn al-Mawwāq said]: I took out for him a notebook. When the emir took it, he started reading it and saying: God forbid that I should induce the *umma* of Muḥammad, may God bless him and grant him salvation, to follow this. He praised Ibn al-Mawwāq and entered his house.¹⁴⁶

Ibn al-Mawwāq was

a jurist of Cordoba who lived in the city of Fez. He was a great scholar concerned with jurisprudence and the differences of opinion in it. He taught constantly, and was highly discerning—no one approached him in that... He took an interest in *ḥadīth* from the point of view of jurisprudence, in detecting flaws and scrutinizing *isnāds*, transmitters and accretions, and what was congruous and what was incongruous. He did not have an interest in transmitting himself. He was one of the *shaykhs* of Abū l-Ḥasan b. al-Qaṭṭān. He was appointed to the service of the ruler in Marrakesh... He was in charge of the judiciary of Fez and died there in 599/1202–3.¹⁴⁷

him salvation, that they contained had been stripped away. So he acted and then burned a large quantity of them in the rest of the land... He directed the people to abandon preoccupation with the personal opinion and becoming engrossed in any part of it. He threatened severe punishment for that... In short, his purpose was to efface the legal school of Mālik... He induced the people to follow the outward meaning of the Qur'ān and *ḥadīth*. This had been the aim of his father and grandfather" (*al-Mu'jib*, pp. 400–401).

¹⁴⁶ *Nawāzil al-Burzulī*, vol. 6, p. 377.

¹⁴⁷ Ibn al-Abbār, *al-Takmila*, 1/180–81. On his authority, Ibn al-Qāḍī quotes him in *Jadhwat al-iqtibās*, and Muḥammad b. Ja'far al-Kattānī in *Salwat al-anfās bi-man uqbira min al-'ulamā' wa-l-ṣulahā' bi-Fās*.

Concerning al-Burzulī's phrase, "the issues on which Ibn Ḥazm had been criticized," what he implicitly states is that Ibn al-Mawwāq gathered these questions from the books of Mālikīs who had refuted Ibn Ḥazm before him, and listed them in his notebook which he presented to Ya'qūb al-Manṣūr. With this, Ibn al-Mawwāq presented the Almohad caliph with the essence of the criticisms of Ibn Ḥazm's opinions in the Maghribī and Andalusī refutations, especially on jurisprudence and doctrine.

3.6. *A Book Refuting those who Disavow Analogy by al-Ḥasan b. 'Alī al-Masīlī (d. Approximately 580/1184–5)*

Abū l-'Abbās al-Ghubrīnī said:

The *imām* Abū 'Alī al-Ḥasan b. Muḥammad al-Masīlī combined learning, works and piety. He wrote excellent works... He wrote *al-Nibrās fī l-radd 'alā munkir al-qiyās*. It is an agreeable book according to what I have been told about it; I have not seen it but I am very eager for it. One of the students who was attached to the *zāhir*—he was the most noble of them—informed me that he had seen this book and that he had not seen the like of it among the books composed in this genre... al-Masīlī was in charge of the judiciary of Bijāya. The jurist Abū Muḥammad 'Abd al-Ḥaqq al-Ishbīlī, the learned jurist Abū 'Abd Allāh Muḥammad b. 'Umar al-Qurashī and he—may God have mercy on him—held a *majlis* which became known after them as "the City of Knowledge"...¹⁴⁸

The region of Bijāya (Bougie) in present-day Algeria was under the rule of the Almohads (who, as we have argued, were *Zāhirīs*). Here, too, we see religious scholars' refutations of the *Zāhirīs*' principles of legal methodology and their *shaykh* in the Islamic West, Ibn Ḥazm. Note that al-Masīlī refers to books, plural, composed in this genre, which is a clear indication of the dissemination of books refuting those who reject analogy, so that this jurist who was himself an adherent of the *zāhir* was able to compare al-Masīlī's book to others of this genre that he had read. The debate on this question, which is the essence of the dispute between the *Zāhirīs* and the Mālikīs, continued as we shall see presently:

3.7. *al-Radd 'alā nufāt al-qiyās by 'Abd al-Ḥamīd b. Abī l-Barakāt al-Ṭarābulusī*

Ibn Farḥūn said:

¹⁴⁸ al-Ghubrīnī, *Unwān al-dirāya*, pp. 33–36.

‘Abd al-Ḥamīd b. Abī l-Barakāt b. ‘Imrān b. al-Ḥusayn b. Abī l-Dunyā al-Ṣadaḡī al-Ṭarābulusī Abū Muḥammad: a Mālikī jurist who studied jurisprudence in his town with Ibn al-Ṣābūnī. He travelled to the East twice, first in 624/1226–7 and the second time in 633/1235–6. He studied under a group [of scholars] in Alexandria and was appointed *Qāḍī l-jamā’a* in Tunis. He wrote important works and died in 684/1285–6.¹⁴⁹

Tunis was under the rule of the Almohads and subsequently the Ḥafṣids, who were in fact a branch of the Almohads. Therefore, I listed ‘Abd al-Ḥamīd b. Abī l-Barakāt among those who refuted Ibn Ḥazm in the Almohad period. He wrote *Ḥall al-iltibās fī l-radd ‘alā nufāt al-qiyās*, which is mentioned by Aḥmad al-Nā’ib al-Anṣārī in his book *Nafaḥāt al-nisrīn wa-l-rīḥān fī-man kāna bi-Ṭarābulus min al-a’yan*.¹⁵⁰ This title shows that the work criticizes Ibn Ḥazm’s book *al-I’rāb ‘an al-ḥayra wa-l-iltibās al-mawjūdayn fī kalām ahl al-ra’y wal-qiyās*.¹⁵¹

3.8. al-Radd ‘alā Ibn Ḥazm by the jurist Abū Zakarīyā Yaḥyā b. ‘Alī al-Zawāwī

Muḥammad b. Muḥammad Makhḷūf, who mentions him among the religious scholars of Bijāya, writes:

The *shaykh* and jurist Abū Zakarīyā Yaḥyā b. ‘Alī, known as al-Zawāwī. He studied under great scholars and travelled to the East. He studied under Abū l-Ṭāhir Ismā’īl b. Makkī... Abū Ṭāhir al-Silafī, Abū l-Qāsim b. Fīruḥ al-Shāṭibī and others... He died in 611/1214–5.¹⁵²

Abū l-‘Abbās al-Ghubrīnī says:

When it became widely known that the jurist Abū Zakarīyā al-Zawāwī had expressed himself in a certain manner regarding Ibn Ḥazm, and the people plotted against him and the case was referred to the caliph in Marrakesh, Abū Zakarīyā felt compelled to dispatch on his behalf the jurist Abū Muḥammad ‘Abd al-Karīm [b. ‘Abd al-Wāḥid al-Ḥasanī] to Marrakesh. So he went, taking with him [Abū Zakarīyā’s] works and his refutation of Ibn Ḥazm entitled *Ḥujjat al-ayyām wa-quḍwat al-anām*. When he reached the capital of Marrakesh, the Commander of the Faithful summoned him before him in the presence of the jurists, and he presented [Abū Zakarīyā’s] work

¹⁴⁹ Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 261.

¹⁵⁰ On p. 91. See al-Ghubrīnī, *Unwān al-dirāya*, p. 109, n. 1.

¹⁵¹ Muḥammad Zayn al-‘Abidin Rustum wrote his unpublished doctoral dissertation on this work which has by now been published (Riyadh: Aḍwā’ al-Salaf, 1425/2005).

¹⁵² Makhḷūf, *Shajarat al-nūr al-zakiyya*, pp. 184–185, no. 609; Aḥmad b. Qunfudh, *Sharaf al-ṭālib fī asnā’ al-maṭālib*, p. 69, under “Yaḥyā b. Yaḥyā al-Zawāwī” (a different patronym). He died in Bijāya in 611/1214–5.

to them. The jurist Abū Muḥammad ‘Abd al-Karīm was the first to speak and he expressed his approval. He informed the Commander of the Faithful and those of the jurists who were present of [Abū Zakariyā’s] discourse, may God be pleased with him, what guided him to his merits, religion and knowledge. The caliph then said: Let this man be left alone to do as he chooses, whether he wishes to curse or to be silent.¹⁵³

This is a new text concerning the Almohads’ adoption of the Ṣāḥirī school according to the opinions of Ibn Ḥazm, to the extent that attacking him or criticizing his teachings came to be tantamount to attacking what the state held sacred. It also shows that the Mālikī scholars did not lack arguments and did not fear the ruler’s authority in contradicting the *imām* of Ṣāḥirism in the Islamic West. We also see that Ya‘qūb al-Manṣūr (whom I believe to be the ruler referred to in this text) was being fair when he listened to the jurist ‘Abd al-Karīm’s discussion of al-Zawāwī, and publicly gave him license to oppose Ibn Ḥazm.

3.9. al-Radd ‘alā al-Muḥallā wa-l-mujallā by Abū l-Ḥasan b. Zarqūn al-Anṣārī

Abū l-Ḥasan b. Zarqūn was the son of the jurist Abū ‘Abd Allāh, whose defense of Saḥnūn’s *Mudawwana* in an assembly of the Almohad ruler ‘Abd al-Mu‘min was mentioned earlier.

Ibn Farḥūn writes:

Muḥammad b. Abī ‘Abd Allāh Muḥammad b. Sa‘īd b. Aḥmad b. Sa‘īd b. Zarqūn al-Anṣārī al-Ishbīlī, who had the *kunya* Abū l-Ḥasan, the *shaykh* of the Mālikīs, was one of the zealous leaders of the school. Therefore he was targeted by the Banū ‘Abd al-Mu‘min [i.e., the Almohads]. When they invalidated analogy and forced tradition and the outward meaning [of the scriptures] (*al-zāhir*) on people, he wrote *al-Mu‘allā fī l-radd ‘alā l-Muḥallā li-Ibn Ḥazm*. He died in 621/1224–5.¹⁵⁴

The full title of the book is *Kitāb al-Mu‘allā fī l-radd ‘alā l-Muḥallā wa-l-Mujallā*. This is how it is mentioned by the writer’s two students: Abū l-Ḥasan al-Ru‘aynī¹⁵⁵ and Ibn al-Abbār,¹⁵⁶ who said about his *shaykh*, Ibn Zarqūn: “He was a Mālikī jurist, a learned scholar, a zealous adherent and

¹⁵³ al-Ghubrīnī, *Unwān al-dirāya*, pp. 247–248.

¹⁵⁴ Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 380, no. 513.

¹⁵⁵ *Barnāmaj shuyūkh al-Ru‘aynī*, p. 32.

¹⁵⁶ Ibn al-Abbār, *al-Takmila*, 2/123–24.

steadfast supporter of the school; he was even subjected to an inquiry by the ruler because of it and was detained for a time in Ceuta.”

Abū l-Ḥasan b. Zarqūn’s choice to refute *al-Muḥallā* and *al-Mujallā* shows that these two works by Ibn Ḥazm were the mainstay of the Zāhiri school for the Almohads. Ibn al-‘Arabī had realized this before. He said, with a play on words:¹⁵⁷

...Let them bring out the particulars of *al-Muḥallā*...In our opinion, there should be a dot above their ‘hā’ and another below the ‘jīm’. Thus, it becomes clear that what is required is for their book to be abandoned and not to be consulted

3.10. *A Book in Refutation of al-Muḥallā by Abū l-Ḥasan ‘Alī b. al-Qaṭṭān al-Fāsī*

Makhlūf writes in his *Shajarat al-nūr al-zakiyya*:

Abū l-Ḥasan ‘Alī b. Muḥammad b. ‘Abd al-Mālik... known as Ibn al-Qaṭṭān, the eminent scholar and jurist, expert in the discipline of *ḥadīth* and the names of its transmitters; he studied with Abū ‘Abd Allāh b. al-Fakhkhār and Abū ‘Abd Allāh b. al-Baqqāl... Among those who wrote to him and met him were: Abū Ja‘far b. Maḍā’... and Abū ‘Abd Allāh b. Zarqūn... He died in 628/1230–31.¹⁵⁸

Ibn ‘Abd al-Mālik al-Marrākushī mentioned in his detailed biography of Ibn al-Qaṭṭān that he had written “a book refuting [the contents of] *al-Muḥallā* that are related to the science of *ḥadīth*, but did not finish it.”¹⁵⁹ This shows that Ibn al-Qaṭṭān was not a Zāhiri, as Asín Palacios and others believed. I think it most probable that Ibn al-Qaṭṭān knew Abū Bakr b. Mufawwiz’s refutation of Ibn Ḥazm in which he enumerated the latter’s errors in the critical evaluation of the transmitters of *ḥadīth* and the *isnāds*.

3.11. *Abū Ja‘far al-Lablī’s Intention to Write a Refutation of Ibn Ḥazm*

Ibn Farḥūn writes:

Aḥmad b. Abī l-Ḥajjāj Yūsuf b. ‘Alī al-Fihri al-Lablī, with the *kunya* Abū Ja‘far: He was an excellent *imām*, grammarian, linguist, he studied under Ibrāhīm b. Muḥammad al-Baṭalyawsī, known as al-A‘lam, and ‘Abd Allāh b.

¹⁵⁷ Abū Bakr b. al-‘Arabī, *al-‘Awāṣim min al-qawāṣim*, p. 258.

¹⁵⁸ Makhlūf, *Shajarat al-nūr al-zakiyya*, p. 179, no. 581.

¹⁵⁹ al-Marrākushī, *al-Dhayl wa-l-takmila*, 8/1, p. 167.

Lubb b. Ḥayyuwa al-Shāṭibī... and travelled to the East and studied under the imams... and wrote books... He was born in 613/1216–7 in Labla (Niebla), one of the districts of Seville, and died in Tunis in 691/1291–2.¹⁶⁰

Al-Lablī had already criticized Ibn Ḥazm in his *Fihrist*. He demonstrated a strong attachment to the Ashaʿrites, for he rebuked Ibn Ḥazm for his quarrel with them in *al-Fiṣal*. In this matter, he was much influenced by the previously mentioned ʿAbd Allāh b. Ṭalḥa al-Jāburī. However, he proved fair-minded, for he said concerning Ibn Ḥazm:

There is no doubt about the fact that the man was a learned scholar. However, when he began to engage in jurisprudence, what he memorized could not be reconciled with what he understood, for he would say anything that occurred to him.¹⁶¹

He then said, after some discussion of Ibn Ḥazm's views:

I have not set down all of this for the purpose of examining his theology and refuting his corrupt statements. I will devote to this purpose a separate work dealing with him in particular—God willing, exalted is He...¹⁶²

This book that he promised to write as a refutation of Ibn Ḥazm's objectionable views has not come down to us. None of al-Lablī's biographers mentions it; perhaps he died before he could complete what he had promised.

Even assuming that he did write it and that it simply did not reach us, we can still trace some of the questions on which he replied to Ibn Ḥazm. In al-Lablī's *Fihrist*, we read the following:¹⁶³

In *al-Mujallā* and other books of his, Ibn Ḥazm strongly reproached the *imāms* who are to be emulated: Mālik, al-Shāfiʿī, Abū Ḥanīfa and other scholars of Islamic law, for their teaching on analogy. He accused them of disobeying the command of God, exalted is He, and His messenger, may He bless him and grant him salvation. He said concerning the letter of ʿUmar b. al-Khaṭṭāb, may God be pleased with him, that what it contained [i.e., the saying “know what is most similar and most alike”] was invented and that only ʿAbd al-Mālik b. ʿAbd al-Wāḥid b. Maʿdān related it on the authority of his father who, so he says, was without a doubt disreputable, and his father was worse than him, or similarly disreputable... In invalidating analogy, he relied on Qurʾānic verses and reports, not one of which provided support for his view. If the present compilation were devoted to this issue, I would

¹⁶⁰ Ibn Farḥūn, *al-Dībāj al-mudhhab*, p. 137.

¹⁶¹ *Fihrist al-Lablī*, p. 83.

¹⁶² *Fihrist al-Lablī*, p. 88.

¹⁶³ *Fihrist al-Lablī*, pp. 88–99.

single out all of the verses and reports from which he drew conclusions and clarify the fact that none of them provides support. However, we will postpone this to the appropriate place, God willing.

Next, he mentions *ḥadīths* that Ibn Ḥazm employed in invalidating the teaching of analogy and criticized him over them.

Tracing the arguments on which Ibn Ḥazm relied in his rejection of analogy in al-Lablī's work would be an important task. However, where is this work? Hopefully we will find a manuscript of it at some point. It seems to me that al-Lablī was influenced by the outlook of ʿĪsā b. Sahl, the jurist who went to great lengths in refuting Ibn Ḥazm from the perspective of jurisprudence in particular, as was seen above.

3.12. *A Book Refuting Ibn Ḥazm by ʿAbd al-Ḥaqq b. ʿAbd Allāh al-Anṣārī*

Ibn al-Abbār said:

ʿAbd al-Ḥaqq b. ʿAbd Allāh b. ʿAbd al-Ḥaqq Abū Muḥammad al-Anṣārī, *Qāḍī l-jamāʿa* in Seville and Marrakesh. He was originally from al-Mahdiyya [in Tunisia]. He first assumed charge of the judiciary in Granada and then Seville [605/1208–9].¹⁶⁴ He next became *qāḍī* of Marrakesh in 619/1222–3... He was one of the specialized scholars of his time, a Mālikī jurist, a learned scholar, perspicacious and discerning in judgments, unerring and unyielding in his pursuit of the truth, venerable and revered. He wrote a book refuting Ibn Ḥazm that demonstrated his memory and his religious knowledge. He made its composition known... He died in 631/1233–4 in Marrakesh. I met him in Seville in 618/1221–2...¹⁶⁵

3.13. *A Refutation of Ibn Ḥazm concerning Some of His Treatises, by Ibn Kharūf al-Ḥaḍramī al-Andalusī*

This book was mentioned incidentally in the biography of Ibn Kharūf in *al-Dhayl wa-l-takmila* by Ibn ʿAbd al-Mālik al-Marrākushī. We do not possess any other information about it.

Al-Marrākushī said:

ʿAlī b. Muḥammad b. ʿAlī b. Muḥammad b. Kharūf al-Ḥaḍramī, of Seville... He related *ḥadīth* on the authority of Ibn Khayr and Ibn Zarqūn... and Ibn Bashkuwāl. He studied theology and legal methodology under Abū ʿAbd

¹⁶⁴ Ibn ʿIdhārī, *al-Bayān al-mughrib*, 5/254.

¹⁶⁵ Ibn al-Abbār, *al-Takmila*, 3/125–26. See some of his reports on the Almohads in Ibn ʿIdhārī, *al-Bayān al-mughrib*, 5/269. Recently I found several quotations from Ibn ʿAbd al-Ḥaqq's book entitled *The Refutation of al-Muḥallā* in which he enumerates some errors of Ibn Ḥazm in the critical evaluation of the *isnāds*.

Allāh al-Ruʿaynī Rukn al-Dīn and Abū l-Walīd b. Rushd al-Aṣghar, and Arabic and literature under Abū Ishāq b. Malkūn and Abū Bakr b. Ṭāhīr to whom he was attached and under whom he mastered and grasped the objectives of *al-Kitāb* by Sibawayh... He was an excellent reciter [of the Qurʾān], a learned scholar, a skilled grammarian, someone regarded as well-versed in theology and legal theory. He compiled a wide range of useful works on everything he embraced... He was very preoccupied with refuting people. Thus he refuted al-Juwaynī for his books *al-Irshād* and *al-Burhān*; Ibn al-Ṭarāwa for his introductory sections to the chapters of *al-Kitāb*; al-Aʿlam for *al-Risāla al-rāshidiyya*, and Abū Muḥammad b. Ḥazm for some of his treatises... He died in Seville in 609/1212–3.¹⁶⁶

3.14. Ṭaḥrīr al-maqāl fi muwāzanat al-aʿmāl by Qāḍī Abū Ṭālib ʿAqīl b. ʿAṭīyya al-Qudāʿī

I found the earliest reference to this book in *Aʿlām Mālaqa*:

ʿAqīl b. ʿAṭīyya al-Mālaqī, whose *kunya* was Abū Ṭālib, was not originally from Malaga but resided and settled there. He was responsible for concluding marriages under the *qāḍī* Ibn Yarbūʿ. He was himself *qāḍī* of Granada for some time. He then departed from there and became judge in Sijilmāsa. He was one of the great scholars, may God have mercy on him. He combined and seriously studied many of the sciences. He wrote a book called *Tajrīd al-maqāl fi muwāzanat al-aʿmāl* in which he refuted al-Ḥumaydī...¹⁶⁷

Ibn al-Zubayr said about this book:

... I read a work of his called: *Faṣl al-maqāl fi l-muwāzana bayna l-aʿmāl* in which he argues against Abū ʿAbd Allāh al-Ḥumaydī and his shaykh, Abū Muḥammad b. Ḥazm. [ʿAqīl b. ʿAṭīyya] did an excellent job in it, skillfully writing in an admirable style.¹⁶⁸

The title of the book appeared correctly in *al-Baḥr al-muḥīṭ fi ʿilm al-uṣūl* by Badr al-Dīn al-Zarkashī (d. 794/1391), where it is referred to as *Ṭaḥrīr al-maqāl fi muwāzanat al-aʿmāl*.¹⁶⁹ Ibn Ḥajar al-ʿAsqalānī also stuck to that title. He quoted from it in *Fath al-bārī*.¹⁷⁰ This is evidence that the book was widely known in East and West. Ibn al-Abbār¹⁷¹ neglected to

¹⁶⁶ al-Marrākushi, *al-Dhayl wa-l-takmila*, 5/1, pp. 319–323.

¹⁶⁷ Abū ʿAbd Allāh b. ʿAskar, *Aʿlām Mālaqa*, p. 329.

¹⁶⁸ Ibn al-Zubayr al-Gharnāṭī, *Ṣilat al-ṣila*, 4/170, no. 340. Quoted in Ibn al-Khaṭīb, *al-Iḥāṭa*, 4/230–31; Ibn Farḥūn, *al-Dībāj al-mudhhab*, p. 313, no. 418.

¹⁶⁹ al-Zarkashī, *al-Baḥr al-muḥīṭ*, 4/277.

¹⁷⁰ Ibn Ḥajar al-ʿAsqalānī, *Fath al-bārī*, 11/397, 398, 409.

¹⁷¹ Ibn al-Abbār, *al-Takmila*, 4/33–34. Mentioned among the strangers to the Iberian Peninsula (*al-ghurabāʾ*) because he was born in Marrakesh, although he is originally from Tortosa in al-Andalus. On the authority of Ibn al-Abbār, al-Dhahabī transmitted the

mention this book in his biography of Ibn ‘Aṭiyya, where he gave the date of his death as 608/1211–12 and his birth as 549/1154–5.

The author stated in the introduction of this book: “We have named it *Kitāb Taḥrīr al-maqāl fī muwāzanat al-a’māl wa-ḥukm ghayr al-mukallaḥ fī l-‘uqbā wa-l-ma’āl*.” In the Rabat manuscript that I consulted, he describes his reason for writing the book as follows:

One of the students, may God protect them, showed me a book produced by Abū ‘Abd Allāh Muḥammad b. Abī Naṣr al-Ḥumaydī—may God have mercy on him—on the weighing [of the actions] and the division [according to dwellings that takes place on Judgment Day], and the arrangement of the recompense of reward and punishment based on [the results of the weighing]. This above-mentioned student was delighted with this book, deemed its objectives to be good, and was full of enthusiasm for its structure. The fact that Abū Muḥammad b. Ḥazm—may God have mercy on him—had transmitted it on the authority of its author increased his attachment to it. Abū Muḥammad [b. Ḥazm] also made mention of it in his *Barnāmaj* saying: “a book that our friend Abū ‘Abd Allāh Muḥammad b. Abī Naṣr al-Ḥumaydī compiled on the degrees of recompense on the Day of Resurrection according to what was set forth in the texts of the Qur’ān and the established *sunnas* of the Messenger of God, may God bless him and grant him salvation. In it he made a careful investigation and achieved what he wanted. I have taken it from him due to its quality and the care he has taken in its structure. It was about ten pages long.”

This, now, is in spite of the fact that al-Ḥumaydī was a student of Abū Muḥammad b. Ḥazm, widely known for being devoted to him and studying under him. This did not prevent Abū Muḥammad from transmitting this book on his authority according to the custom of scholars for fair-mindedness. Al-Ḥumaydī mentioned [Ibn Ḥazm] in his *Jadhwat al-muqtabis*, mentioning him with exaggeration, to the point that he said: “I have not seen the like of him” and many other things that he relates about him. He borrows from him and depends on him... We have mentioned all of this about al-Ḥumaydī only to let those who are unacquainted with reports about him know his rank, and also to let those who know of him be aware that we know very well his standing with regard to science, as well as his status among religious scholars. However, this is not an obstacle to refuting some of his teachings, as one should only embrace what agrees with the truth from among his teachings and the teachings of others and reject all else beside it. When we examined the book that we first mentioned, and considered the objective of the author for it, we found it imperfect [in structure and] with regard to the divisions between which he intended to draw comparisons; they peter out before they are attained. We realized that some carelessness

biography of Ibn ‘Aṭiyya in his *Tārīkh al-Islām wa-wafayāt al-mashāhīr wal-a’lām*, Events of 601–610 H., pp. 299–300.

had befallen al-Ḥumaydī. Likewise, Abū Muḥammad b. Ḥazm was heedless in his approval [of the tract] and his agreement with its structure. This [approval and agreement] was only due to the fact that much of what it included represented his own line of thought. What was beyond this was not apparent to him. Had he closely examined it, it would not have escaped him.

Al-Ḥumaydī said that the origin [of the tract] is what he heard in person from the abovementioned Abū Muḥammad...

And indeed, we have found things in *Kitāb al-Fiṣal* of Abū Muḥammad that agree with what al-Ḥumaydī mentioned in this book, from which we may see the truth about the dispute over it. All of this has given us an impetus to pursue and examine critically the contents of al-Ḥumaydī's book, and to bring out what is correct with regard to the matter of weighing the acts in the Next World and the division of its inhabitants according to the concept of Islamic Law, and placing all of this in this book [of ours]... This is in spite of the fact that it includes things that go beyond mere reference to weighing the acts... There appears in the book, by the power of God, what may be traced to [al-Ḥumaydī] or Abū Muḥammad b. Ḥazm if an occasion calls for this. Our argument in this book of ours is only with these two men...¹⁷²

As far as I know, the book is extant in two manuscripts in the Rabat National Library:

1) The first copy bears the number 109[ق] and consists of 311 pages written in Andalusī—Maghribi script. The number of lines on each page is 23 and the number of words on a line is approximately 14, written on thick Andalusī paper. The book is lacking some folios, which have been restored on the basis of the second copy on smooth modern paper in a modern script. The book has also been recently bound.

We read at the end of the copy:

I came across the original by its author and it proved to be sound, praise be to God, Lord of the worlds, may God bless Muḥammad His noble messenger and his good and virtuous family, and grant them salvation! It had been completed on 11 Jumādā II 603/13 January 1207.

On the first page, it is stated that this copy was heard three times from the author in 603/1206–7. A group of students attended this dictation. This was in Sijilmāsa, as can be inferred from the second copy. The name of the copyist is Muḥammad b. 'Abd al-Raḥmān b. Yaḥyā, who was a student of the author.

¹⁷² *Taḥrīr al-maqāl*, MS no. 109[ق], in the Rabat National Library, pp. 2–5.

2) The second copy bears the number [ك] 652. It is a Maghribī copy made from another copy in the handwriting of a known Andalusī by the name of ‘Alī b. Qāsim b. ‘Alī b. Qāsim b. ‘Alī b. Muḥammad b. Aḥmad al-Bayyāḍī al-Anṣārī, who copied it in 891/1486–7 in the Andalusī city of Ballish (Vélez). The copyist lived in this town, located east of Malaga. Later he emigrated to Morocco and settled in Meknes, where he died in 912/1506–7. This Maghribī copy consists of 253 pages, the first folio of which is missing.

The book was edited in entirety by Mūsā b. ‘Abd al-‘Azīz al-Ghuṣn, as a doctoral dissertation at the Muhammad bin Sa‘ūd Islamic University in 1411/1990. I have not seen this edition, but I think that it most probably relied on a single copy, 109[ق], which Abū ‘Abd al-Raḥmān b. ‘Aqīl al-Zāhirī photographed more than twenty years ago. If this is correct, then the work is in urgent need of a new edition which relies on the second copy. This is because there are defects in the first copy that cannot be corrected except by means of the second one. There are blanks and holes in the first copy, in addition to the fact that, due to their ignorance of the methods of Muslim copyists, “restorers” placed glue over the phrases and sentences that the copyist emended in the margins after they had escaped him during the copying and then recorded in the margins after collation. Thus they obscured them from the view of the editors.

4. *Refutations of Ibn Ḥazm after the Almohad Period*

The Almohad empire came to an end in 668/1269 at the hands of Ya‘qūb b. ‘Abd al-Ḥaqq al-Marīnī, who had been elected caliph after the death of his brother, Abū Bakr, in 656/1258. He was born in 607/1210–11 and was the first among the Banū Marīn to be called “Commander of the Muslims.”

Ismā‘īl b. al-Aḥmar informs us about the transfer of the judiciary immediately afterwards from the Zāhiriyya to the school of Mālik. He says:

When the above-mentioned Ya‘qūb al-Marīnī assumed power and the people of the Maghrib requested of him, of their own free will, to return the judiciary to the school of Mālik he ordered the *qāḍīs* of the Maghrib to do this. He abandoned the school of the Zāhirīs and observance according to the chosen and selected *ḥadīths* disappeared.¹⁷³

However, as noted by al-Ghalbzūrī,

¹⁷³ Ismā‘īl b. al-Aḥmar, *Buyūtāt Fās al-kubrā*, pp. 20–21; al-Ghalbzūrī, *al-Madrasa al-Zāhiriyya*, 2/574.

one should not neglect an important matter, namely, that the Ḥafṣid state which arose in Tunis was in fact one of the branches of the Almohads, following their same method of observing the external meaning of the Qurʾān and *ḥadīth*. They established for this purpose schools that were concerned with the study of *ḥadīth* and attracted to [these schools] prominent authorities in the science of tradition, like the renowned scholar Ibn Sayyid al-Nās al-Yaʿmarī al-Ishbīlī al-Zāhirī [who died in 659/1260–1] who enjoyed the favour of the ruler of Tunis... He assumed charge of teaching *ḥadīth* at the Tawfiqiyya School there.¹⁷⁴

Because of this, there appeared in Tunis a refutation of Ibn Ḥazm by one of its religious scholars: *al-Radd ʿalā Ibn Ḥazm* by Ibrāhīm b. Ḥasan b. ʿAbd al-Rafiʿ al-Tūnisī.

Ibn Farḥūn says:

Ibrāhīm b. Ḥasan b. ʿAbd al-Rafiʿ al-Rubʿī al-Tūnisī was the chief *qāḍī* in Tunis, known by the *kunya* Abū Ishāq. He was a rare and outstanding authority in his day. He wrote the book *Muʿīn al-ḥukkām* in two volumes... In it he tends to summarize the work of al-Mattī. He wrote *al-Radd ʿalā Ibn Ḥazm* because of [Ibn Ḥazm's] opposition to Mālik—may God have mercy on him—concerning some *ḥadīths* that he took from *al-Muwaṭṭaʾ* but did not teach. He wrote a summary of the answers of Abū l-Walīd b. Rusḥd [the grandfather]... He transmitted on the authority of the group of Andalusī scholars that arrived at the city of Tunis. He died in 734/1333–4 at the age of 97 and a few months.¹⁷⁵

There is no doubt that some of those who arrived in Tunis from al-Andalus were Zāhirī scholars from the remnants of the Almohads and that they revived the debate between themselves and the Mālikīs.¹⁷⁶

THE REFUTATION OF THE ANDALUSĪ SECT OR THE MUḤAMMADĪS (WHICH APPEARED IN THE 10TH/15–16TH CENTURY)

In the 10th/15th–16th century, a *shaykh* appeared in the Maghrib called Muḥammad al-Andalusī. Having been influenced by Ibn Ḥazm, he gathered a following for the prohibition of analogy, the shunning of personal opinion in religion and finding fault with the method of jurists. He occupied himself with the esoteric sciences, like astrology, alchemy,

¹⁷⁴ Ibid., 2/575.

¹⁷⁵ Ibn Farḥūn, *al-Dibāj al-mudhḥab*, p. 145, no. 156; Makhlūf, *Shajarat al-nūr al-zakiyya*, p. 207, no. 719.

¹⁷⁶ See, e.g., Abī Muḥammad b. Khalīfa al-Ubbī, (d. 828/1424–5), *Ikmāl ikmāl al-muʿlim bi-sharḥ Ṣaḥīḥ Muslim*, 4/271; *al-Madrasa al-Zāhiriyya*, 2/575.

and with mathematics, astronomy and medicine. He used to follow common practice in social relations. It was rumoured about him that he said: "Occupying oneself with invoking prayer and peace upon the prophet, may God bless him and grant him salvation, is to be lax in remembering God," and [other] strange things. He used to disavow most of what was ascribed to him and proclaim devotion to the *sunna*, in spite of the fact that he often attacked the *imāms*, like Ibn Ḥazm had. Therefore the jurists issued a legal opinion declaring him to be in error and brought this to the attention of the ruler, who then ordered his imprisonment. He remained in prison for a while and was released, and then imprisoned a second time. His reputation spread far and wide and his followers became numerous. Talk was traded in earnest between them and the poor, and unrest spread by means of this among ordinary people. His followers were given the name Muḥammadīs, and those who opposed them were called Mālikīs in reference to the *imām* Mālik. The matter ended when he was crucified in 984/1576–7.¹⁷⁷

His adversary, the biographer Ibn al-Qāḍī al-Miknāsī reports the following about him:

Muḥammad al-Andalusī was the leader of the Andalusī sect, someone who contrived great religious innovation that harmed the magnanimous *sunna*... He was executed in 985/1577–8... This party has increased today in the Maghrib under those of the Yūsufiyya and 'Ukkāziyya who were with him. The Muslim should be wary of them and not be deceived by their nonsense and what they have invented in religion... This religious innovation to which this man called, who was driven away from the door of God's grace by His anger, and to which his companions held fast after him, like 'Abd al-Khāliq al-Wāmgḥārī, like Ibrāhīm al-Rāshdī, and like Ibrāhīm Rafīq and those who followed them... had been taught by some Andalusīs before him [i.e., Ibn Ḥazm]. In fact, [Muḥammad al-Andalusī] followed his example in all of his teachings and actions. Ibn al-'Arabī denounced them in *al-ʿĀriḍa*.¹⁷⁸ Anyone who wants to become acquainted with their denunciation in general and in particular, and with what has been said about this sect should read:

a) The work of the jurist and preacher, Abū al-Qāsim b. Sulṭān al-Qusaṭīnī, who lived in Tetuan. He made public what was not known about them before, declared their teachings to be false and made their corruption clear, in approximately two volumes.

¹⁷⁷ Summary of Muḥammad b. 'Askar al-Shafshāwnī, *Dawḥat al-nāshir li-maḥāsin man kāna bi-l-Maghrib min mashāyikh al-qarn al-ʿāshir*, p. 109, biography 106.

¹⁷⁸ The reference is to Abū Bakr b. al-'Arabī, *ʿĀriḍat al-aḥḥwadhī*, see above.

b) Short refutations were written by Abū l-‘Abbās Aḥmad al-Ṣaghīr, one of the students of al-Manjūr. He often used to offend them and they grew angry because of this. As the matter became oppressive to them, they killed him...¹⁷⁹

Ibn Sulṭān was a jurist and preacher in the mosque of Tetuan. He was a friend of Ibn al-Qāḍī, and showed him his *al-Radd ‘alā al-Ṭā’ifa al-andalusīyya* in 995/1586–7. Ibn al-Qāḍī asserted that Ibn Sulṭān achieved excellent results in it.¹⁸⁰ We have not so far found any trace of a manuscript of the above-mentioned book.

As for the short tracts that Aḥmad al-Ṣaghīr wrote, a copy of a unique manuscript has been found in the Ṣubayḥiyya Library in the city of Salé.¹⁸¹ It has seven folios written in large Maghribī script. It was copied in 1054/1644–5. The copyist’s name and place of work are not mentioned. At the end of it, it is slightly damaged.

From this refutation, it is possible to extrapolate some of the ideology of this group. Among the statements of the author are the following:

- “A section on their teaching: The Qur’ān is in plain Arabic. They do not need what has been transmitted in (its exegesis on the authority of) firmly grounded (religious scholars).”¹⁸²
- “A section refuting them on their failure to emulate of Mālik, because of their view that the greater part of his teachings are mere presumption, and this is what leads us to dangerous places.”¹⁸³
- “A section refuting their reproach of religious scholars because of the disagreement between them, and their teaching that if Mālik and his followers were right, they would not have disagreed over anything.”¹⁸⁴
- “A section refuting their disavowal of supplication to God and beseeching Him after the end of ritual prayer.”¹⁸⁵

Throughout the refutation, it becomes clear that the author was a discerning and well-informed jurist. Among the sources that he mentioned in his

¹⁷⁹ Ibn al-Qāḍī, *Durrat al-ḥijāl fī asmā al-rijāl*, 2/35–37, biography no. 480. See on ‘Abd al-Khālīq al-Wāmghārī, *ibid.*, 3/167–68.

¹⁸⁰ *Ibid.*, 3/288.

¹⁸¹ *Fihris al-Khizāna al-Ṣubayḥiyya* by Muḥammad Ḥajjī, p. 598, sequence no. 1291; library no. 333/3, in a third collection.

¹⁸² Salé manuscript, 4v.

¹⁸³ Salé manuscript, 2v.

¹⁸⁴ Salé manuscript, 3v.

¹⁸⁵ Salé manuscript, 5v.

Radd, we find *Naẓm al-durr al-mubaddad fī sharḥ Risālat Abī Muḥammad, Sharḥ uṣūl al-Subkī* by al-ʿIrāqī, *Nawāzil Ibn Rushd*,¹⁸⁶ *al-Hady al-nabawī* by Ibn Qayyim al-Jawziyya, *Tafsīr al-Qurʾān* by al-Māwardī, *Fath al-bārī* by Ibn Ḥajar al-ʿAsqalānī. He also quoted from the *qāḍī* Abū Bakr b. al-ʿArabī; Aḥmad b. Abī Zayd known as Ibn Ḥlūl al-Qayrawānī; Aḥmad al-Wansharīsī, the author of *al-Miʿyār*; al-Ubbī, the commentator of *Ṣaḥīḥ Muslim*; the ascetic scholar, ʿAlī b. Muḥammad b. Farḥūn al-Qurṭubī; the *imām* Ibn ʿArafa; the preacher Yaḥyā b. Muʿādh al-Rāzī (d. 258/871); and ʿAbd Allāh b. Saʿīd b. Abī Jamra in his book about al-Bukhārī.

The full name of the author is Aḥmad b. al-Ḥasan al-Waryājli, known as al-Ṣaghīr, as it appears in the introduction of the book in manuscript.

SUMMARY

In light of the above, it has become clear that the religious scholars of the Maghrib and al-Andalus vigorously opposed the teachings of Ibn Ḥazm and singled them out for criticism and remonstrance. This shows the spread of Ibn Ḥazm's legal school since the fifth/eleventh century in al-Andalus and then the Maghrib, which was due in no small measure to the Almohads' appeal to abandon the books on substantive law and the preoccupation with personal opinion, and to restrict oneself to what appeared in the Qurʾān and *ḥadīth*. They found in Ibn Ḥazm's books strong and well-documented support for these views. He earned respect and appreciation through this, so that an attack on his teachings resulted in punishment by the ruler of anyone so emboldened (with the exception of some leading religious scholars including Abū ʿAbd Allāh Ibn Zarqūn, Abū Bakr b. al-Mawwāq, and Abū Zakarīyā al-Zawāwī).

The refutations of Ibn Ḥazm discussed here do not mention any of his opinions about jurisprudence and its methodology, about theological doctrine, or about rules of etiquette, without examining them, criticizing them and enumerating their mistakes. The same is true for Ibn Ḥazm's approach to *ḥadīth* and his criticism of it, both its contents and *isnāds*. There is no doubt that these refutations played a significant role in limiting the spread of Ibn Ḥazm's legal school, especially after the failure of Almohad propaganda, through which proponents of Zāhirī thought had

¹⁸⁶ They are the juridical questions of Abū al-Walid b. Rushd (the author quotes from the legal opinions of Ibn Rushd in invalidating the testimony of anyone who rejects analogy, as was previously mentioned here).

been invigorated and obtained high positions in the judiciary, the administration and teaching.

Ibn al-Azraq al-Gharnāṭī relates an unusual anecdote. If true, it shows that the reversal of the Ṣāḥirī school in the Maghrib and al-Andalus was due to the inability of the Ṣāḥirī *qāḍīs* to decide new legal cases. Ibn al-Azraq writes:

As for the second, al-Burzulī related on the authority of Ibn Munād that when the Almohads attacked the Lamtūna [i.e., the Almoravids] and took Marrakesh, the seat of their kingdom, they found many books on jurisprudence there. They then sold them to disturbed people and others. He mentioned what he heard, namely: they requested the jurists [engaged with] positive law to return to what *ḥadīth* required in their opinion, until al-Manṣūr assumed power and ordered that only specialists in *ḥadīth* should become *qāḍīs*.

He said: Those of them who had been made *qāḍīs* over the people were in a situation that rendered them incapable in their administration of the law, and their judgments were enough to make one cry. This was obvious even to ordinary people as well as to the educated. [The *qāḍīs*] did not have familiarity with the particulars of a question in the manner of specialists in jurisprudence and positive law. It was such that those of them who possessed religion would often consult with one of the specialists of substantive law, ask him about the ambiguous areas of questions, and adopt him as his assistant in his cases.

He said: We exchanged anecdotes one day in the presence of a jurist who had occupied the post of *qāḍī* in al-Andalus and Ifrīqiya. He asked: Do you know the reason why the [Ṣāḥirī *qāḍī* and] *ḥadīth* scholar Abū Muḥammad Ibn Ḥawṭ Allāh¹⁸⁷ came to your country? We told him: tell us. He said: Abū Muḥammad was the *qāḍī* of Seville. Two women between whom there was enmity entered a bath. One of them ordered her servants to place her clothes in the midst of the other's clothes. They did this. She then came out and asked for her clothes but did not find them. She told the owner of the bath: I saw so and so in the bath. Only she can have taken my clothes. The bath attendant denied this and said: She is one of the most excellent people and she would do this?! I will suffer for your sake the loss of the clothes. Thus she urged people to search for the clothes. They then searched and found the clothes [with the other woman's]. The women gave testimony against her. This was submitted to Ibn Ḥawṭ Allāh. He seized the woman and issued an order, and she was then imprisoned. Or he said: She was beaten and

¹⁸⁷ ‘Abd Allāh b. Sulaymān b. Ḥawṭ Allāh al-Anṣārī al-Ḥārithī (d. 612/1215) was an eminent jurist, a specialist in the legal methodology and a grammarian, writer and poet. He acted as *qāḍī* in Seville, Cordoba, Murcia and Ceuta. He used to champion the Ṣāḥirī approach. See Ibn Farḥūn, *al-Dibāj al-mudhhab*, p. 231; Makhlūf, *Shajarat al-nūr al-zakiyya*, pp. 173–174; Adang, “Ṣāḥirīs of Almohad Times,” pp. 433–443.

then he sent her away. Her brother stood up in the mosque of Seville, and Ibn Ḥawṭ Allāh appealed to the Commander of the Faithful al-Nāṣir. The man then submitted his story to him. He made much of the case, as did the jurists. The Commander of the Faithful then said: He is retaliating on behalf of this woman. This was a distressing thing for the jurists who were with him. They did not cease acting politely with [Ibn Ḥawṭ Allāh's] opponent until he forgave him, and through him, the representative of his sister who required this.¹⁸⁸

Nevertheless, this anecdote must be treated with caution, for it may originate with a rival contemporary of Ibn Ḥawṭ Allāh. It has been said: "Being contemporary is a veil," and "what peers say about each other should be kept secret and not passed on."

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¹⁸⁸ Ibn al-Azraq al-Gharnāṭī, *Rawḍat al-i'lām*, 2/869–70. Tawfiq al-Ghalbzūrī called my attention to this text. He states that he received the last one from Sheikh Abū Uways Muḥammad Bū Khubza al-Tiṭwānī.

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ELEMENTS OF ACCEPTANCE AND REJECTION IN IBN QAYYIM AL-JAWZIYYA'S SYSTEMATIC READING OF IBN ḤAZM¹

Livnat Holtzman

INTRODUCTION

The well-written works of the prolific Damascene scholar, Abū Bakr Muḥammad b. Abī Bakr al-Zurʿī, commonly known as Ibn Qayyim al-Jawziyya (d. 751/1350), which are far from being thoroughly researched and exhausted, represent the vibrant inner world of a scholar, whose wide range of interests covers law, speculative and moral theology, mysticism and poetry. Gaining his reputation mainly as the devoted disciple of Ibn Taymiyya (d. 728/1328), Ibn Qayyim al-Jawziyya's works are fundamentally an interpretation of his master's legal and doctrinal work. Nevertheless, as the investigation of his works slowly progresses, it becomes evident that Ibn Qayyim al-Jawziyya developed his own taste while drawing from different sources of inspiration, not relying solely on his master's literary output. Ibn Ḥazm's thought, whose presence in the writings of Ibn Qayyim al-Jawziyya is conspicuous, is one such source of inspiration.

Tracing the sometimes elusive reflection of Ibn Ḥazm's legacy in Ibn Qayyim al-Jawziyya's works is a useful means to demonstrate his literary inclinations, which flourished independently in the margins of his theological thought, quite detached from the thought of his master. Ibn Qayyim al-Jawziyya was not a typical scholar: carrying the torch of Ibn Taymiyya's controversial ideas, while being constantly persecuted and harrassed by his Shāfiʿī-Ashʿarite contemporaries, he cannot be regarded as representative of the majority of scholars in 14th century Damascus. Still, the depth of his acquaintance with the writings of Ibn Ḥazm can be considered indicative of the reception of Ḥazmian thought in Mamluk Damascus. It can also be the starting point of an investigation into Ibn Ḥazm's influence in the East.

The citations from Ibn Ḥazm's works in the writings of Ibn Taymiyya and Ibn Qayyim al-Jawziyya are mentioned occasionally in modern research,

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without any attempt to systematically investigate and define the later Ḥanbalīs' approach to Ibn Ḥazm, or the scope of his presence in their writings. In this respect, Henri Laoust's observations in his seminal work on Ibn Taymiyya are valuable leads and not substantial proofs. Based on his profound acquaintance with Ibn Taymiyya's works, Laoust determines that Ibn Taymiyya read Ibn Ḥazm's *al-Faṣl fī l-mīlāl wa-l-niḥāl*, although he gives no textual evidence to corroborate this statement.² He also determines, again without providing any evidence, that Ibn Taymiyya studied the methodology of law from *al-Iḥkām fī uṣūl al-aḥkām*, that he refuted every point in *Kitāb al-ijmā'* (by which he means *Kitāb marātib al-ijmā'*) and that he used *al-Muḥallā* for discussions in jurisprudence.³ These assertions, all correct, are confirmed, time and again, by the many references to these works in Ibn Taymiyya's writings.

What does Ibn Taymiyya think of Ibn Ḥazm? Three examples from the many references to Ibn Ḥazm in Ibn Taymiyya's works may illustrate that it is not so easy to answer this question. In some cases, Ibn Taymiyya supports Ibn Ḥazm's view, and does not hesitate to praise him for his erudition and vast knowledge. In the first example, quoting an anecdote about the Ash'arite theologian Imām al-Ḥaramayn al-Juwaynī (d. 478/1085) lying on his death-bed and repenting his lifetime occupation with *kalām*, Ibn Taymiyya seizes the opportunity to condemn al-Juwaynī for his poor knowledge of the traditionalist sources of law, and his unflattering view of them, since al-Juwaynī "thought that nothing in the Qur'ān, the Sunna and the consensus (*ijmā'*) points on the majority of cases (*ḥawādith*), and that analogy (*qiyās*) is the only means to use in order to make a ruling."⁴ Ibn Taymiyya adds: "Nevertheless, whosoever has any knowledge of the way the sacred texts allude to everyday cases knows, that what Abū Muḥammad Ibn Ḥazm and his like said, viz. that the sacred texts contain all the cases (*al-nuṣūṣ tastaw'ib jamī' al-ḥawādith*), is closer to the truth than [al-Juwaynī's] saying."⁵ This praise for Ibn Ḥazm and his like, however, is accompanied by Ibn Taymiyya's critique of their weak methods of drawing conclusions from the text, and deviating from the rulings of the Prophet's companions. Among these methods, Ibn Taymiyya mentions the

² Laoust, *Essai*, p. 94.

³ Laoust, *Essai*, p. 105. Ash'arite contemporaries of Ibn Taymiyya attest to his acquaintance with Ibn Ḥazm's works and his debt to Ibn Ḥazm; see Bori, *Ibn Taymiyya*, pp. 40, 158.

⁴ Ibn Taymiyya, *Daqā'iq al-tafsīr*, vol. 3, p. 169 (an interpretation of Q 7:172).

⁵ Ibid.

manifest analogy (*qiyās jalī*) and the presumption of continuity (*istiṣhāb*), the latter being fundamental to Ibn Ḥazm's jurisprudential method.⁶

In the same vein, Ibn Taymiyya sings Ibn Ḥazm's praises in the opening chapter of his fundamental book on dogma, *Kitāb Mufaṣṣal al-i'tiqād*.⁷ Ibn Ḥazm should be held in esteem for his theological views on various matters like predetermination, God's attributes and theodicy, when they are in agreement with the Sunna and *ḥadīth*, "because he confirms [what is written] in the reliable *ḥadīths*, and because he greatly considers the views of the traditionists."⁸ Again, this warm approval of Ibn Ḥazm is given on a limited basis. According to Ibn Taymiyya, Ibn Ḥazm declares that his doctrine of the uncreatedness of the Qur'ān resembles that of Aḥmad b. Ḥanbal (d. 241/855), which, however, is not accurate; his views only partly resemble those of Ibn Ḥanbal. True, Ibn Ḥazm is very competent in dealing with theological issues, but he introduced Mu'tazilī and falsafī concepts into his discussions of divine attributes, including the divine attribute of the speech of God, and that diverted him from the path of *ahl al-ḥadīth*. Ibn Taymiyya adds that the novel ideas adopted by Ibn Ḥazm and embedded in his writings are the reason for his condemnation by Sunnī scholars.⁹

Another example of Ibn Taymiyya's approval of Ibn Ḥazm's view is the case of prolonging one's standing position during prayer, so that it equals the amount of time taken to perform a prostration. In *al-Qawā'id al-nūrāniyya* Ibn Taymiyya quotes an anecdote on the *tābi'ī* Abū 'Ubayda [ʿĀmir] b. ʿAbd Allāh b. Mas'ūd (d. 81–2/700–2) from Kūfa, who was criticized for prolonging the standing position (*qiyām*) after prostration (*rukū'*) while praying. This anecdote is followed by a remark by Ibn Ḥazm, which indicates that Abū 'Ubayda's praying routine was good: "Shame on those who denounce the actions of the Prophet, and woe to the one, who has no proof [for what he is claiming]." Ibn Taymiyya, who favors Ibn Ḥazm's ruling in this case, adds that those who denounced the son of the illustrious *ṣaḥābī* ʿAbd Allāh b. Mas'ūd (d. 32/653) were not scholars, and that in

⁶ Ibn Taymiyya, *Daqā'iq al-tafsīr*, vol. 3, p. 169. For *qiyās jalī*, see Ali, *Medieval Islamic Pragmatics*, p. 169. For *istiṣhāb* see Abū Zahra, *Ibn Ḥazm*, pp. 372–381; Abdel-Magid Turki, "al-Zāhiriyya," *Encyclopedia of Islam*. New Edition, vol. 11, pp. 394–396.

⁷ The title of the book is probably taken from Q 6:114 "For it is He who sent down to you the Book well-distinguished" (*bayān mufaṣṣal*). The translation of this verse, as of all the Qur'ānic verses in this article is by Arthur J. Arberry, *The Koran Interpreted*, unless otherwise stated.

⁸ Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 4, p. 17 ("Kitāb mufaṣṣal al-i'tiqād").

⁹ Ibid.

any case Abū 'Ubayda was likely to follow his father's conduct rather than the conduct of those ignorant Kufans.¹⁰

Ibn Taymiyya often refers to Ibn Ḥazm's views and rulings in the course of discussions on various subjects. These references and even precise citations, frequently set in large-scale surveys on the views of scholars from different Islamic trends, are occasional and do not necessarily attribute any special meaning or importance to Ibn Ḥazm's views. On the other hand, they demonstrate Ibn Taymiyya's profound acquaintance with *al-Muḥallā*, Ibn Ḥazm's book on *furū'*. For example, in a *fatwā* given on the subject of soiled liquids, Ibn Taymiyya cites Ibn Ḥazm's opinion when he surveys all recorded opinions on this matter. Ibn Taymiyya was asked whether or not olive-oil, in which a mouse fell, is impure. He cites Ibn Ḥazm's ruling that liquids are not soiled when impurities fall into them, except when a mouse falls into cooking butter. In this case, the cooking butter is soiled and cannot be used. Ibn Taymiyya rejects Ibn Ḥazm's view, because a prophetic *ḥadīth* clearly states: "Throw the mouse away, and consume [the liquid] in which it was immersed." Hence, according to Ibn Taymiyya's view, the cooking butter is not soiled.¹¹ On the other hand, in the course of a discussion on a *ḥadīth* about divorcing a woman thrice, Ibn Taymiyya presents Ibn Ḥazm as a *ḥadīth* authority, second in importance only to luminaries like Aḥmad b. Ḥanbal and Muḥammad b. Ismā'īl al-Bukhārī (d. 256/870).¹²

Apart from these occasional references to Ibn Ḥazm, Ibn Taymiyya also offers a more systematic reading in the latter's writings. One such example is Ibn Taymiyya's *Naqd marātib al-ijmā'*.¹³ In this short treatise, Ibn Taymiyya

¹⁰ Ibn Taymiyya, *Qawā'id*, p. 95; Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 22, p. 348 (*Bāb mā yukrah fī l-ṣalāt*). The *ḥadīth* in a slightly different version appears in Ibn Ḥazm, *Muḥallā*, vol. 4, pp. 121–122.

¹¹ Ibn Taymiyya, *al-Fatāwā al-kubrā*, vol. 1, pp. 242–245 (*mas'ala* 12/28). For Ibn Ḥazm's view, see his *Muḥallā*, vol. 1, p. 135.

¹² Ibn Taymiyya, *al-Fatāwā al-kubrā*, vol. 3, p. 283 (*mas'ala* 9/546). Caterina Bori maintains that Ibn Taymiyya was inspired by Ibn Ḥazm's views on divorce. Bori, *Ibn Taymiyya*, p. 157.

¹³ A good edition of *Naqd marātib al-ijmā'* was published together with Ibn Ḥazm's *Marātib al-ijmā'*. *Naqd marātib al-ijmā'* is not mentioned in any of the lists on Ibn Taymiyya's works. In one such list, which was attributed to Ibn Qayyim al-Jawziyya, but in fact was written by his contemporary Abū 'Abd Allāh b. Rushayyiq, the title *Qā'ida fī al-ijmā'* appears. This work is not extant. In *al-Wāfi bi-l-wafayāt* by al-Ṣafadī (d. 764/1362–63) another promising title of a non-extant work, *Mu'ākhadha li-Ibn Ḥazm fī l-ijmā'*, appears. Cf. 'Uzayr Shams and al-Imrān, *Jāmi'*, pp. 9–14, 243, 294, 317, 331. *Al-Jāmi'* is a comprehensive study on Ibn Taymiyya's life. It contains a compilation of all the original biographies of Ibn Taymiyya, including both Ibn Rushayyiq's list and al-Ṣafadī's biography of Ibn Taymiyya.

refutes major points in Ibn Ḥazm's jurisprudential and theological thought as presented in the latter's *Marātib al-ijmā'*, but he also provides a balanced assessment of Ibn Ḥazm's value as a scholar:

Most of the cases on which, according to him (i.e. Ibn Ḥazm), there is a consensus (*ijmā'*), are exactly as he puts them, meaning these cases are not disputable, as far as we know. What is meant [in this work which refutes Ibn Ḥazm] is to demonstrate that although he had a vast knowledge of the sayings of scholars, in which he surpassed other scholars, and although he established a theoretical basis for the conditions of consensus, it is quite evident that there are well-known disagreements about the so-called consensual matters which he mentioned. In some of these cases the preponderant (*rājiḥ*) [view] of consensus was actually the opposite of what he mentioned.¹⁴

Ibn Taymiyya also discusses Ibn Ḥazm's views as they appear in *al-Faṣl fī l-mīlāl wal-niḥāl*. One of these discussions led the Egyptian scholar Muḥammad Abū Zahra (d. 1974) to declare that Ibn Taymiyya is Ibn Ḥazm's successor in at least one fundamental issue. The author of very comprehensive biographies of Ibn Ḥazm and Ibn Taymiyya and by all means well-read in both these scholars' writings, Abū Zahra claims that Ibn Taymiyya adopted Ibn Ḥazm's skeptical view on miracles performed by so-called saints during their lifetime and after their death. This view became the cornerstone of Ibn Taymiyya's stand against the visitation of graves in particular, and against popular Ṣūfī inclined rituals in general. According to Ibn Ḥazm, miracles (*mu'jizāt*), which break the natural order of things (*al-taḥawwul al-khāriq lil-'āda*) are performed only by prophets, and not by virtuous people (*ṣāliḥūn*). It is God who changes the natural order of things for the prophets, in order to demonstrate the veracity of their message. Since virtuous people do not perform miracles, says Ibn Ḥazm, there is no reason to sanctify their memory. Moreover, dead prophets do not perform miracles either, because the veracity of their message was already proven during their lifetime. As Ibn Ḥazm determines, miracles could not have happened after the Prophet Muḥammad's death.¹⁵ Abū Zahra sums up: "Ibn Ḥazm has torn up and uprooted this tree, because he denied the possibility of miracles (preternatural phenomena, *khawāriq*).

Al-Jāmi' was published under the auspices of Bakr b. 'Abd Allāh Abū Zayd, the most prominent contemporary scholar of Ibn Taymiyya and Ibn Qayyim al-Jawziyya, who has published a series of their works in scientific editions. On Ibn Rushayyiq see also Bori, *Ibn Taymiyya*, p. 40.

¹⁴ Ibn Taymiyya, *Naqd*, p. 302.

¹⁵ Abū Zahra, *Ibn Ḥazm*, pp. 210–213; idem, *Ibn Taymiyya*.

[He claimed] that all men are equal, and that no one has superiority over others in terms of creation. A virtuous man should not be sanctified, and no extraordinary power should be attributed to him or to anyone else. A miracle (*karāma*) is not to be attributed to anyone. No miracle is attributed to a prophet after his death.”¹⁶ As Abū Zahra puts it, although Ibn Taymiyya basically accepted the possibility of saints performing miracles, and in that he differed from Ibn Ḥazm, all the same, he was Ibn Ḥazm’s aggressive successor, because the latter had set the theoretical foundation for Ibn Taymiyya’s activities against the sacralization of graves.¹⁷

Although Abū Zahra’s statement that “Ibn Taymiyya came and aggressively preached the same message that the genius Ibn Ḥazm started to preach”¹⁸ is generally inaccurate, given Ibn Taymiyya’s attacks on Ibn Ḥazm’s views, it has a grain of truth, as it clarifies Ibn Ḥazm’s role in Ibn Taymiyya’s writings, and later on in Ibn Qayyim al-Jawziyya’s writings. Ibn Ḥazm’s literary output was, first of all, carefully studied by the two Ḥanbalī thinkers. Then these two scholars examined Ibn Ḥazm’s provocative and stimulating views: whether they refuted them using solid textual evidence or accepted them, Ibn Ḥazm ignited a process of examining doctrinal conventions. Taking an element of his thinking and applying it to the sacred sources enriched their hermeneutics and enabled them to develop new ideas, not to be considered *bid’a* but a defence of the sanctities of Islam.

Ibn Ḥazm is indeed very much present in the writings of Ibn Taymiyya and Ibn Qayyim al-Jawziyya. This is Abdelilah Ljamai’s impression in his study on Ibn Ḥazm and Muslim-Christian polemic. Ljamai claims that Ibn Taymiyya and Ibn Qayyim al-Jawziyya (together with ‘Alā’ al-Dīn ‘Alī al-Bāḡī, d. 714/1314) were the only authors in the East who demonstrated a consistent interest in Ḥazmian thought on Christianity.¹⁹ Although this claim needs further verification, Ljamai arrives at a very accurate insight regarding the relationship between the Ḥazmian text and the Taymiyyan-Jawziyyan text. Ljamai first proves that Ibn Ḥazm’s influence is very explicit in Ibn Taymiyya’s polemical work *al-Jawāb al-ṣaḥīḥ li-man baddala dīn al-masīḥ* by citing and analyzing a lengthy passage from *al-Jawāb*,

¹⁶ Abū Zahra, *Ibn Ḥazm*, p. 213.

¹⁷ *Ibid.*, pp. 213–215.

¹⁸ *Ibid.*, p. 214. Cf. the views of al-Ṣafadī, ‘Abd al-Bāqī b. ‘Abd al-Majid al-Yamānī (d. 743/1345) and Muḥammad b. Muḥammad al-Shawkānī (d. 1250/1834) on the resemblance between Ibn Taymiyya and Ibn Ḥazm; *al-Jāmi’*, pp. 186, 308, 605; al-Matroudi, *The Ḥanbalī School*, pp. 20–23; Rapoport, “Ibn Taymiyya’s Radical Legal Thought,” p. 203.

¹⁹ Ljamai, *Ibn Ḥazm*, p. 175.

in which Ibn Taymiyya refers to Ibn Ḥazm's description of Christian sects, and also reproduces Ibn Ḥazm's text.²⁰ From this example, Ljamai concludes that not only was Ibn Ḥazm a source of inspiration to Ibn Taymiyya, but that Ibn Taymiyya freely used Ḥazmian terminology in his writings.²¹ The same goes for Ibn Qayyim al-Jawziyya: Profoundly influenced by his master, Ibn Qayyim al-Jawziyya, having a thorough and direct acquaintance with Ibn Ḥazm's works and not only through the mediation of his master's works, was not satisfied with merely citing Ibn Ḥazm, but also used his vocabulary.²² Ljamai gives numerous references from some of Ibn Qayyim al-Jawziyya's major works, in which he discusses Christianity, to establish his claim about the "literary connection," as he puts it, between Ibn Qayyim al-Jawziyya and Ibn Ḥazm's *al-Faṣl*.²³ Although limited to the polemics with Christianity, Ljamai's close reading in Ibn Taymiyya and Ibn Qayyim al-Jawziyya indicates the road to be taken in order to track the full scope of their debt to Ibn Ḥazm.

Ibn Ḥazm's presence in Ibn Qayyim al-Jawziyya's writings is quite substantial: there are long and meaningful citations from Ibn Ḥazm's works in a number of works, in which Ibn Qayyim al-Jawziyya addresses subjects that his mentor omitted, or at least mentioned them only briefly. In these works, Ibn Qayyim al-Jawziyya offers more than his well-known systematic exegesis of Ibn Taymiyya's works, and in a way cuts loose from Taymiyyan areas of interest. We find Ibn Ḥazm in monographs in which Ibn Qayyim al-Jawziyya discusses, for instance, profane love and raising children, topics which were not precisely at the top of the celibate Ibn Taymiyya's agenda. Ibn Ḥazm is also very conspicuous in monographs dealing with topics that Ibn Taymiyya was interested in, like the Prophet Muḥammad's biography, but on which he did not write a systematic study.

Throughout the process of collecting data for this study, it became quite evident that both Ibn Taymiyya and Ibn Qayyim al-Jawziyya read several of Ibn Ḥazm's major works and mentioned them numerous times in their writings.²⁴ Still, it was not so easy to define what Ibn Ḥazm meant to Ibn

²⁰ Ljamai, *Ibn Ḥazm*, pp. 177–180.

²¹ *Ibid.*, pp. 180–182.

²² *Ibid.*, pp. 185, 190.

²³ *Ibid.*, pp. 185–190, esp. nn. 59, 60, 65.

²⁴ There are numerous references to Ibn Ḥazm's rulings in Ibn Taymiyya's *fatāwā* and in Ibn Qayyim al-Jawziyya's works, which one can easily find through a quick search in the digitalized databases available on the Internet. One of the most reliable websites is: *Mashrū' al-Maktaba al-Islāmiyya*, <http://arabic.islamicweb.com/Books/> (accessed 12 August 2009). Another reliable source is a CD-ROM version: *Mu'allafāt shaykh al-islām*

Qayyim al-Jawziyya. Evidently, Ibn Taymiyya's approach of partly accepting and partly rejecting Ibn Ḥazm's views was accepted by Ibn Qayyim al-Jawziyya. Both scholars appreciated Ibn Ḥazm for his adherence to the Qur'ān and *ḥadīth*, yet they criticized him for deviating from the accurate understanding of these texts, which they attributed to their role model, Aḥmad b. Ḥanbal. Nevertheless, Ibn Qayyim al-Jawziyya, as will be demonstrated here, is more systematic in his readings of Ibn Ḥazm. It is not that he is more willing to absorb or to accept Ibn Ḥazm's thought than Ibn Taymiyya was, as both scholars tend to defy Ibn Ḥazm and reject his views. Still, Ibn Qayyim al-Jawziyya seems to be more indebted to Ibn Ḥazm, as the latter paved paths to destinations unexplored by Ibn Taymiyya.

Several questions should be addressed in reference to the Ḥazmian-Jawziyyan connection: Which of Ibn Ḥazm's works did Ibn Qayyim al-Jawziyya study, and for what purpose? What literary devices does Ibn Qayyim al-Jawziyya use when analyzing the Ḥazmian text? And finally, what role does the Ḥazmian text play in the Jawziyyan text? By answering these questions, the present article will mainly address the way Ibn Qayyim al-Jawziyya examines, understands and interprets Ibn Ḥazm's writings, and the contribution of the latter to Jawziyyan thought.

Finally, the findings of Ibn Qayyim al-Jawziyya's examination of the Ḥazmian text are organized under Ibn Ḥazm's titles, which are often mentioned and quoted by Ibn Qayyim al-Jawziyya: *Ṭawq al-ḥamāma*, *Marātib al-ijmā'*, *al-Faṣl fī l-milal*, and *Ḥijjat al-wadā'*. The two last works in particular serve as case-studies for Ibn Qayyim al-Jawziyya's approach to the Ḥazmian text and argumentations. *Al-Muḥallā*, which was well known to Ibn Qayyim al-Jawziyya, is mentioned throughout the discussion in connection with *al-Faṣl*.²⁵

ṬAWQ AL-ḤAMĀMA

Ibn Ḥazm's *Ṭawq al-ḥamāma* is quoted extensively several times in Ibn Qayyim al-Jawziyya's treatise on profane and divine love, *Rawḍat al-muḥibbīn wa-nuzhat al-mushtāqīn*. The affinity between *al-Rawḍa*

Ibn Taymiyya wa-tilmidhihi Ibn al-Qayyim, Amman: al-Turāth Markaz li-Abḥāth al-Ḥisāb al-Āli, 1419/1999.

²⁵ A systematic analysis of Ibn Qayyim al-Jawziyya's use of Ibn Ḥazm's *Muḥallā* regarding the permission or prohibition to eat the fatty portions of animals slaughtered by Jews is Freidenreich's "Five Questions About Non-Muslim Meat."

and *al-Ṭawq* has been surveyed in several studies. Lois Anita Giffen (1992) lists all the references to Ibn Ḥazm in *al-Rawḍa*, and concludes that Ibn Ḥazm impressed Ibn Qayyim al-Jawziyya “sufficiently, so that he quoted him thrice to support a point, though he also criticized him four times.”²⁶ Joseph Bell (1979), following Giffen (1971), discussed Ibn Qayyim al-Jawziyya’s interpretation of *al-Ṭawq*, and specifically the way in which Ibn Qayyim al-Jawziyya understood Ibn Ḥazm’s approach towards men glancing at women other than their wives.²⁷ *Al-Ṭawq* fits perfectly in Ibn Qayyim al-Jawziyya’s major fields of interest, which are moral theology and poetry. Since the thematic affinities between *al-Ṭawq* and *al-Rawḍa* have already been discussed by Bell and Giffen, I shall refrain from repeating them here, and instead will point out the possible contribution of Ibn Qayyim al-Jawziyya’s works to the reconstruction of *al-Ṭawq*.

In a 1993 article, P.S. van Koningsveld identified *al-Rawḍa* as an important piece in the jigsaw-puzzle of *al-Ṭawq*, because it contains a passage which does not exist in the Leiden manuscript, the only known manuscript of *al-Ṭawq*. Hence, Van Koningsveld assumes that Ibn Qayyim al-Jawziyya had an unabridged version of *al-Ṭawq*.²⁸ That *al-Ṭawq* was well-known to Ibn Qayyim al-Jawziyya, is also concluded from the circumstances in which he composed *al-Rawḍa*. This work belongs to a group of five works, which Ibn Qayyim al-Jawziyya wrote while away from his home and his rich library, probably during his long stays in Mecca. In the introduction to *al-Rawḍa*, the author apologizes for not having his books with him when writing this work. This apology, however, is a good indication of his thorough acquaintance with *al-Ṭawq*, since he was able to cite passages from it without having the actual copy in front of him.²⁹

Ibn Qayyim al-Jawziyya used *al-Ṭawq* in at least one more work: *al-Dā’ wal-dawā’*, also known as *al-Jawāb al-kāfi li-man sa’ala ‘an al-dawā’ al-shāfi’*.

²⁶ Giffen, “Ibn Ḥazm and Ṭawq al-Ḥamāma,” pp. 427, 440 n. 27.

²⁷ Bell, *Love Theory*, p. 128. For Giffen’s discussion, see Giffen, *Theory of Profane Love*, pp. 129–131. Bell systematically identifies all the passages in *Rawḍat al-muḥibbīn* which are taken from *al-Ṭawq*. For the passage on the affinity between souls prior to the existence of the body, see Bell, *Love Theory*, pp. 75, 236 n. 9, 112, 114, 247 n. 64.

²⁸ Van Koningsveld, “De oorspronkelijke versie.” I thank Joachim Yeshaya for sending me the article and translating the relevant passages for me.

²⁹ In the introduction to *Rawḍat al-muḥibbīn*, Ibn Qayyim al-Jawziyya writes: “Whoever takes this book in his hands should forgive its author for writing this book away from his home and without his books.” Ibn Qayyim al-Jawziyya, *Rawḍa*, p. 14. Giffen (*Theory of Profane Love*, p. 37) assumes that the book was written in Egypt. In my opinion, however, it is one of Ibn Qayyim al-Jawziyya’s Meccan works. Cf. my “Ibn Qayyim al-Jawziyyah,” pp. 212–213, 217.

The last part of this work, which deals with moral theology, is a treatise on love. While the citations from *al-Ṭawq* in *al-Rawḍa* were identified by previous researches, the resemblance between the last part of *al-Jawāb* and *al-Ṭawq* has never been investigated. The two following examples illustrate the triple linkage between *al-Jawāb*, *al-Rawḍa* and *al-Ṭawq*.

The passage from *al-Ṭawq* which is quoted by Ibn Qayyim al-Jawziyya in *al-Rawḍa* is an anecdote about the Caliph ‘Umar b. al-Khaṭṭāb (d. 23/644). This is the version of the anecdote, as it appears in *al-Rawḍa*:

Abū Muḥammad b. Ḥazm said: A man once said to ‘Umar b. al-Khaṭṭāb: O Commander of the Faithful! I saw a woman and I loved her passionately. He (i.e. ‘Umar) replied: This cannot be controlled.³⁰

Assuming this passage is copied from a non-extant version of *al-Ṭawq*, where is it taken from? In the last part of *al-Jawāb*, in which Ibn Qayyim al-Jawziyya deals with passionate love (*‘ishq*), he inserts the following passage in a slightly different version:

Abū Muḥammad b. Ḥazm said: *Many rightly guided caliphs and Sunnī imams have been lovers.* A man once said to ‘Umar b. al-Khaṭṭāb: O Commander of the Faithful! I saw a woman and I loved her passionately. He (i.e. ‘Umar) replied: This cannot be controlled.³¹

The italicized sentence is the fourth sentence of the first chapter of *al-Ṭawq*, as it appears in the only manuscript of *al-Ṭawq*. Hence, the passage in *al-Jawāb* provides a clue as to the place of the anecdote on ‘Umar: in the opening chapter of *al-Ṭawq*.³²

Another quotation from *al-Ṭawq* in *al-Jawāb* is interesting for two reasons: it does not appear in *al-Rawḍa*; it provides another passage, which does not appear in the extant version of *al-Ṭawq*, and was perhaps taken from the version Ibn Qayyim al-Jawziyya had read. The first part of the quotation in *al-Jawāb* is an anecdote about the great scholar and *ṣaḥābī*

³⁰ Ibn Qayyim al-Jawziyya, *Rawḍa*, p. 142. I was privileged to use a copy of *al-Rawḍa* that belonged to the late Prof. Rina Drory, who meticulously indicated all the parallel passages from *al-Ṭawq* in the book and filled it with numerous valuable notes. I thank Prof. Joseph Drory who kindly gave me the book.

³¹ Ibn Qayyim al-Jawziyya, *Jawāb*, p. 275.

³² The fourth sentence of *al-Ṭawq*: *wa-qad aḥabba min al-khulafā’ al-muhtadīn wa-l-a’imma al-rāshidīn kathīrūn*. Ibn Ḥazm, *Ṭawq*, p. 19. The sentence in *al-Jawāb* is slightly different: *wa-qad aḥabba min al-khulafā’ al-rāshidīn wal-a’imma al-muhtadīn kathīrūn*. Ibn Qayyim al-Jawziyya, *Jawāb*, p. 275. See also *The Leiden Manuscript*, f. 4b <http://bc.ub.leidenuniv.nl/bc/olq/selec/tawq/index.html> (accessed 12 August 2009).

‘Abd Allāh b. ‘Abbās (d. 68/687), taken from the opening chapter of *al-Ṭawq*:

Abū Muḥammad b. Ḥazm mentioned that once he (i.e. Ibn ‘Abbās) was asked about the man who died from passionate love (*al-mayyit ‘ishqan*). He said: ‘This man was slain by love: there is therefore no case for blood wit or retaliation.’³³

Ibn Qayyim al-Jawziyya continues in a passage that is not found in *al-Ṭawq*:

While he (i.e. Ibn ‘Abbās) was in ‘Arafa (the mountain located east of Mecca), a young man as fragile as a chick was brought to him. He asked: ‘What is the matter with him?’ They answered: ‘Passionate love’. Thus, [Ibn ‘Abbās] started to spend most of his days asking God for protection from love.³⁴

So far, it is impossible to determine whether this anecdote indeed belongs to *al-Ṭawq*. Further investigation in *al-Jawāb* might provide more leads to the unabridged version of *al-Ṭawq*.

MARĀTIB AL-IJMĀ‘

Another book by Ibn Ḥazm from which Ibn Qayyim al-Jawziyya draws is *Marātib al-ijmā‘ fī l-‘ibādāt wal-mu‘āmalāt wal-i‘tiqādāt*. Ibn Ḥazm’s goal in composing this book is to present all the theological and legal matters, of which there is a consensus (*ijmā‘*). Ibn Qayyim al-Jawziyya, no doubt, read this book, although he probably first familiarized himself with the book through Ibn Taymiyya’s short refutation of it, the *Naqd marātib al-ijmā‘*. As mentioned before, in *Naqd marātib al-ijmā‘* Ibn Taymiyya sought to demonstrate that the allegedly consensual matters, as Ibn Ḥazm saw them, are in fact disputable.³⁵ Ibn Qayyim al-Jawziyya expands the Taymiyyan criticism on Ibn Ḥazm in one of his later works, *Tuḥfat al-mawdūd bi-aḥkām al-mawlūd*, which deals with raising children.³⁶

³³ Ibn Qayyim al-Jawziyya, *Jawāb*, p. 294; Ibn Ḥazm, *Ṭawq*, pp. 20–21; transl. Ring, p. 23.

³⁴ Ibn Qayyim al-Jawziyya, *Jawāb*, p. 294. Another version of this anecdote appears in Ibn Qayyim al-Jawziyya’s manual of mysticism, *Madārīj al-sālikīn*, vol. 3, p. 30.

³⁵ Ibn Taymiyya in fact disagrees with Ibn Ḥazm’s definition of consensus. For Ibn Ḥazm’s definition of *ijmā‘*, see his *Marātib al-ijmā‘*, p. 28. For Ibn Taymiyya’s refutation of his definition, see his *Naqd*, p. 187.

³⁶ On *al-Tuḥfa*, see Krawietz, “Ibn Qayyim al-Jawziyyah,” pp. 59–60; Holtzman, “Ibn Qayyim al-Jawziyyah,” p. 219.

The eighth chapter in *al-Tuhfa* deals with naming babies: when to give the baby its name, preferable names versus prohibited and distasteful names, and other rules and advice on giving names.³⁷ This chapter, like the other chapters of *al-Tuhfa*, is a collection of quotations from several works on *fiqh* and theology. In between, Ibn Qayyim al-Jawziyya inserts his opinion on this point or the other, refutes this author or the other, while examining the textual proofs given by the various authors. Ibn Ḥazm is certainly not the most prominent figure whose opinions are dealt with in this work; still, the way Ibn Qayyim al-Jawziyya examines the Ḥazmian text represents his overall approach to Ibn Ḥazm.

A passage from *al-Marātib*, dealing with the most favored human names in the eyes of God, nicely fits the goals of *al-Tuhfa* as a guide to parents. After quoting four *ḥadīths* on favorable names in the eyes of God, Ibn Qayyim al-Jawziyya quotes the following sentence from *al-Marātib*: “Abū Muḥammad b. Ḥazm said: they (i.e. the scholars) agreed that the names annexed to Allāh, like ‘Abd Allāh, ‘Abd al-Raḥmān and their likes, are good.”³⁸ While Ibn Ḥazm presents this assertion as a consensus, Ibn Qayyim al-Jawziyya describes the most favorite names as a matter of dispute rather than as a matter of agreement, even in the days of the *ṣaḥāba*:

The experts of *fiqh* disagreed which names are the most beloved in the eyes of God. The majority of scholars agreed that ‘Abd Allāh and ‘Abd al-Raḥmān are the most beloved. Sa’īd b. al-Musayyib (d. 94/713) said that the most beloved names in the eyes of God are the names of the prophets. The sound *ḥadīth* proves that the most beloved names in the eyes of God are ‘Abd Allāh and ‘Abd al-Raḥmān.³⁹

Ibn Qayyim al-Jawziyya’s goal is to present views, which Ibn Ḥazm did not present, and to demonstrate that the favorite names are indeed so because the *ḥadīth* says so, and not because of a consensus among the legal scholars. He also refutes Ibn Ḥazm’s views more bluntly. He first quotes another assertion by Ibn Ḥazm:

They agreed that every name, which indicates someone or something to worship except Allāh, like ‘Abd al-‘Uzzā, ‘Abd Hubal, ‘Abd ‘Amr, ‘Abd

³⁷ Ibn Qayyim al-Jawziyya, *Tuhfa*, pp. 77–108. A short section that deals with the different issues arising from naming children is found in Ibn Qayyim al-Jawziyya, *Zād*, vol. 2, pp. 11–18.

³⁸ Ibn Qayyim al-Jawziyya, *Tuhfa*, p. 84. Cf. Ibn Ḥazm, *Marātib al-ijmā’*, p. 249. Ibn Qayyim al-Jawziyya adds the name ‘Abd Allāh which does not appear in *Marātib*.

³⁹ Ibn Qayyim al-Jawziyya, *Tuhfa*, p. 84.

al-Ka'ba and their likes, is forbidden. That does not include the name 'Abd al-Muṭṭalib [which is not forbidden].⁴⁰

From what Ibn Ḥazm says here, one might conclude that naming a baby 'Abd al-Muṭṭalib is permitted, perhaps because 'Abd al-Muṭṭalib is a nickname given to the Prophet's grandfather after his uncle, Muṭṭalib. In any case, Ibn Ḥazm does not indicate any textual evidence to corroborate his view.

Rejecting Ibn Ḥazm's view, Ibn Qayyim al-Jawziyya gives a detailed explanation that criticizes the Ḥazmian hermeneutics. He first differentiates between two concepts. *Inshā'*, which basically means to create, is understood here by Ibn Qayyim al-Jawziyya as giving a new name to someone, for instance a newborn. *Ikhbār* is used here by Ibn al-Qayyim as indicating the identity of someone by using the name, which distinguishes him from others. The possibilities of *ikhbār*, says Ibn Qayyim al-Jawziyya, are potentially much broader than the possibilities of *inshā'*: it is permitted to call someone by his well-known name, even if this name has an undesirable meaning, such as "the slave of Muṭṭalib." Hence, calling someone, who is known as 'Abd al-Muṭṭalib, by his name is permitted. Giving a newborn this name is prohibited. One of the texts that Ibn Qayyim al-Jawziyya adduces to corroborate his view is a sound *ḥadīth*, according to which a man came to a group of people and asked: "Which one of you is the son of 'Abd al-Muṭṭalib?" to which the Prophet responded: "I am the son of 'Abd al-Muṭṭalib."⁴¹

Both Ibn Qayyim al-Jawziyya and Ibn Taymiyya examined favorable and disliked names in their writings.⁴² However, the small passage from Ibn Ḥazm's *al-Marātib* drew the attention of Ibn Qayyim al-Jawziyya and inspired him to start looking for the so-called consensus in the matter of naming a baby 'Abd al-Muṭṭalib. Not having found it, Ibn al-Qayyim refutes Ibn Ḥazm by using a sound *ḥadīth*, but mostly by using his common sense, which brings to mind the Ḥazmian method of refutation.

⁴⁰ Ibn Qayyim al-Jawziyya, *Tuhfa*, p. 84; Ibn Ḥazm, *Marātib al-ijmā'*, p. 249.

⁴¹ Ibn Qayyim al-Jawziyya, *Tuhfa*, p. 85.

⁴² Discussions on favorable and disliked names appear in several places in the writings of Ibn Taymiyya and Ibn Qayyim al-Jawziyya. Nevertheless, the view attributed to Ibn Ḥazm in *al-Tuhfa* does not appear in any of these sources. Ibn Qayyim al-Jawziyya, *Shifā'*, pp. 592–594; Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 1, pp. 260–261 ("al-tawassul wal-wasila"), vol. 7, p. 32 ("kitāb al-imān al-kabīr"), vol. 9, pp. 34–35 (untitled epistle), vol. 18, p. 142 ("sharḥ ḥadīth innamā al-a'māl bil-niyyāt").

AL-FAṢL FĪ L-MILAL (I)

Al-Faṣl fī l-milal wal-ahwā' wal-niḥal, Ibn Ḥazm's encyclopedic work on theology, heresiography and philosophy, is one source that Ibn Qayyim al-Jawziyya goes back to time and again throughout his scholarly career, citing and refuting it.⁴³ He used *al-Faṣl* extensively while composing one of his early works, *Kitāb al-Rūḥ*, which is considered to be the most comprehensive survey ever written on the doctrine of the human spirit (*rūḥ*) or the human soul (*nafs*). *Kitāb al-Rūḥ* was characterized and discussed by D.B. Macdonald in his 1931 article. Joseph Bell also analyzed the eighteenth query of *Kitāb al-rūḥ*. Recently the book has drawn the attention of Geneviève Gobillot and Tzvi Langermann, whose important analyses of this work are published in a volume dedicated to Ibn Qayyim al-Jawziyya.⁴⁴

Adding to what has been said so far on *Kitāb al-Rūḥ*, I would like to examine Ibn Qayyim al-Jawziyya's use of *al-Faṣl* in this work. The uniqueness of *Kitāb al-Rūḥ*, the scope of the issues it deals with and the richness of the sources it draws from, strengthens the ingenuity of this work, which, unlike many of Ibn Qayyim al-Jawziyya's theological works, was most likely created without the mediation of any of Ibn Taymiyya's works.

Kitāb al-Rūḥ illustrates two separate approaches to the writings of Ibn Ḥazm: the first approach is an acceptance of Ibn Ḥazm's views and argumentations. This approach is accompanied by a faithful reliance on the Ḥazmian text, even when Ibn Qayyim al-Jawziyya does not specifically state that he draws from it. The second approach is a systematic literal device of quotation-refutation, in which Ibn al-Qayyim strives to rebut Ibn Ḥazm's argumentation by attacking the latter's examination of the canonical texts. In general, these two approaches appear in different sections of *Kitāb al-rūḥ*: while the nineteenth query reflects an acceptance of Ibn Ḥazm's views and even an over-reliance on his writings, the sixth and fifteenth queries reflect a rejection of Ibn Ḥazm's reading techniques and

⁴³ Abdelilah Ljamai, as noted before, has systematically traced citations from *al-Faṣl* in Ibn Qayyim al-Jawziyya's works on the polemic with Christianity; cf. Ljamai, *Ibn Ḥazm*, pp. 186ff.

⁴⁴ Macdonald, "Development." Most of Macdonald's findings are summarized in E.E. Calverley and I.R. Netton, "Nafs," *Encyclopedia of Islam*. New Edition, vol. 7, pp. 880–884; Bell, *Love Theory*, pp. 114ff; the two articles are: Gobillot's "Corps (*badan*), âme (*nafs*) et esprit (*rūḥ*)" and Langermann's "The Naturalization of Science in Ibn al-Qayyim's *Kitāb al-Rūḥ*."

conclusions.⁴⁵ In order to simplify the discussion, this section does not refer to all the findings scattered in other parts of *Kitāb al-Rūḥ*, like the eighteenth query in which Ibn Qayyim al-Jawziyya examines Ibn Ḥazm's reading of *ḥadīth* material and which was already discussed by Bell.⁴⁶ Of the three major issues, viz. the spirits of the living, the spirits of the dead and the creation of the spirits, with regard to which Ibn Qayyim al-Jawziyya quotes *al-Faṣl*, only the first two will be discussed here, in order to demonstrate the way in which Ibn Qayyim al-Jawziyya draws from the Ḥazmian text.⁴⁷

A substantial part of the nineteenth query of *Kitāb al-Rūḥ*, a conglomerate of citations and paraphrases from various sources, is borrowed from Ibn Ḥazm, but also from other thinkers, like al-Ash'arī (d. 324/935–6), Fakhr al-Dīn al-Rāzī (d. 606/1209) and al-Ḥakīm al-Tirmidhī (d. between 318/936 and 320/938).⁴⁸ At the beginning of the chapter, Ibn Qayyim al-Jawziyya presents the fundamentals of the discussion: “What is the essence of the soul (*naḥs*)? Is it one of the parts of the human body, one of the accidents of the human body, is it a body in itself (*jism*), which resides in the human body and is entrusted in it, or is it a pure substance (*jawhar*)?” What follows—a survey of scholarly views on this question—is actually a paraphrase of several pages from Ibn Ḥazm's chapter “On substances, accidents, body and soul” (*al-kalām fī l-jawāhir wa-mā l-jism wa-mā l-naḥs*) from *al-Faṣl*.⁴⁹

Ibn Ḥazm's view that the soul (*naḥs*) is a dimensional body, separated from the sensible body and independent, is embraced by Ibn Qayyim al-Jawziyya. The latter also adopts Ibn Ḥazm's lexical definition: “Soul (*naḥs*) and spirit (*rūḥ*) are synonyms denoting the same significance.”⁵⁰ As the discussion proceeds, it becomes apparent that Ibn Qayyim al-Jawziyya's

⁴⁵ The favorable approach taken by Ibn Qayyim al-Jawziyya in the 19th query could serve as evidence for this query's status as an independent treatise, a theory presented by Langermann in a forthcoming article, “Ibn al-Qayyim's *Kitāb al-Rūḥ*: Some Literary Aspects.” Doubts on the authenticity of *Kitāb al-rūḥ* are refuted by Bakr Abū Zayd, the author of the most comprehensive biography of Ibn Qayyim al-Jawziyya; Abū Zayd, *Ibn Qayyim al-Jawziyya*, pp. 253–259.

⁴⁶ Bell, *Love Theory*, pp. 114ff.

⁴⁷ The third issue is dealt with extensively by Genèvieve Gobillot in her article, see n. 44 above.

⁴⁸ Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 212–259. I thank Caterina Bori for sending me this excellent edition of *Kitāb al-Rūḥ*.

⁴⁹ Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 212ff. Cf. Ibn Ḥazm, *Faṣl*, vol. 5, pp. 201ff.

⁵⁰ Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 214. Cf. Ibn Ḥazm, *Faṣl*, vol. 5, p. 202. Ibn Ḥazm also qualifies the soul as intelligent and rational (*ʿāqila*). Ibn Qayyim al-Jawziyya, however, uses the definition “body” (*juththa*) instead.

rebuttals of the opposing arguments relating to the notion of the corporeality of the spirit are either copied from Ibn Ḥazm or inspired by his arguments. For instance, to his opponents' claim that were the spirit a body, it would entail a delay between one's will to move his leg and the actual moving of the leg, Ibn Qayyim al-Jawziyya responds that since the spirit lies exactly where the heart and brain lie, the moving of the leg is performed at exactly the same time as the will to move it occurs. The opponents' claim and Ibn Qayyim al-Jawziyya's refutation are indeed copied from *al-Faṣl*, hence representing Ibn Ḥazm's view. In this case, Ibn Qayyim al-Jawziyya does not indicate his source.⁵¹ There are several more passages in the nineteenth query and elsewhere in *Kitāb al-Rūḥ*, containing what is supposedly Ibn al-Qayyim's argumentation for the corporeality of the spirit, but in fact these are copied from *al-Faṣl*, and as such actually represent Ibn Ḥazm's view.⁵²

The argumentations in the nineteenth query of *Kitāb al-Rūḥ*, and those taken from Ibn Ḥazm are no exception, are rationalistic and inspired by the *kalām* heritage. On the other hand, the discussion about the spirits of the dead is embedded in rich eschatological anecdotes from the *ḥadīth* literature. Two major questions are raised in this context: Where do the spirits of the dead reside? Are the dead brought back to life in their graves before the chastisement of the grave (*ʿadhāb al-qabr*) occurs? These questions are discussed in the sixth and fifteenth queries.

The fifteenth query, entitled "where do the spirits reside from the time of death until the Day of Resurrection," begins with a faithful copying and paraphrasing of "on the residence of the spirits" (*mustaqarr al-arwāḥ*) in *al-Faṣl*,⁵³ although the credit to Ibn Ḥazm is given later, when the latter's

⁵¹ Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 252 ("*faṣl fī jawāb al-shubḥa al-rābiʿata ʿashrata*"). Cf. Ibn Ḥazm, *Faṣl*, vol. 5, p. 206.

⁵² The claim that a corporeality of the spirit entails its dividedness, which Ibn Qayyim al-Jawziyya refutes by the counter-claim that several bodies, like the celestial ones, are in fact not subjected to dividedness, is actually copied from Ibn Ḥazm. Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 257 ("*faṣl fī tardīd al-shubḥa al-ʿishrīn*"). Cf. Ibn Ḥazm, *Faṣl*, vol. 5, pp. 209–210. On the other hand, the claim that if the spirit were a body, it would be in need of a soul (*nafs*), since every body needs a soul, receives a different response from Ibn Qayyim al-Jawziyya than the one given by Ibn Ḥazm: whereas Ibn Ḥazm admits that this premise is correct, Ibn Qayyim al-Jawziyya adds that inanimate bodies do not have souls. Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 258 ("*faṣl fī tardīd al-shubḥa al-ḥādīya ʿashrata*"). Cf. Ibn Ḥazm, *Faṣl*, vol. 5, p. 212. Ibn Ḥazm chooses to refute the second half of the opponents' claim, namely that a soul without a soul is not a soul, because it does not breathe.

⁵³ Ibn Qayyim al-Jawziyya elaborates Ibn Ḥazm's view twice in the fifteenth query. Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 114–115, 135–136. These two almost identical versions of the text are parallel to *Faṣl*, vol. 4, pp. 121–123.

disputable view is mentioned by Ibn Qayyim al-Jawziyya. Ibn Ḥazm's view, as cited by Ibn al-Qayyim (in a sentence which apparently does not appear in *al-Faṣl*) is that "they (i.e. the souls) reside where they were before their bodies were created."⁵⁴ Based on the description of Muḥammad's nocturnal journey and ascension to the seven heavens (*al-isrā' wal-mi'rāj*), Ibn Ḥazm determines that "the spirits of the believers are at Adam's right, while the spirits of the heretics are at his left," and that this place is the *Barzakh* (the boundary between this world and the world of the spirits). Ibn Ḥazm claims further on that the spirits' location is actually in the spot where the four elements, water, earth, fire and air, separate (*munqati' al-ʿanāsir*).⁵⁵

This view serves as a trigger for Ibn Qayyim al-Jawziyya's harsh criticism of Ibn Ḥazm, not only because he objects to the latter's view, but because he also rejects his methods. Ibn Qayyim al-Jawziyya cannot accept Ibn Ḥazm's claim that the spirits are created before the creation of their sensible bodies, thus residing in the *Barzakh* until they are attached to them, because there is no specific text proving it: "Those who say that the souls are created before the bodies have absolutely no proof for this, not from the Qurʾān or the Sunna or the consensus of the community (*ijmāʿ*). [They rely] solely on their understanding of the Qurʾānic text, which does not imply such a thing, and their understanding of unreliable *ḥadīths*."⁵⁶ The core of this criticism is, therefore, Ibn Ḥazm's allegedly inaccurate reading of the texts. "He always slanders whoever says things without a sufficient proof," says Ibn Qayyim al-Jawziyya, "so where is the textual proof from the Qurʾān and *ḥadīth* to [corroborate] this saying?"⁵⁷ Ibn Qayyim al-Jawziyya's use of the present tense reflects the intensity of feelings that Ibn Ḥazm arouses in him. Like Ibn Taymiyya, Ibn Qayyim al-Jawziyya gives credit to Ibn Ḥazm's thorough acquaintance with the sources, until he finds an error or inaccuracy.⁵⁸ However, in the case of the *Barzakh*, Ibn

⁵⁴ Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 114.

⁵⁵ Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 114, 134. Cf. Ibn Ḥazm, *Faṣl*, vol. 4, p. 123.

⁵⁶ Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 135 (*ʿfaṣl al-kalām ʿalā mustaqarr al-arwāḥ baʿd al-mawt wa-madhhab Ibn Ḥazm*). Ibn Ḥazm's view, according to which the souls are created before the bodies, is mentioned also in the eighteenth query. *Rūḥ*, p. 190. The discussion actually repeats itself.

⁵⁷ Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 134.

⁵⁸ Joseph van Ess mentions another inaccuracy of Ibn Ḥazm's, which Ibn Qayyim al-Jawziyya corrects. Apparently, Ibn Ḥazm thought that the belief that the spirits of the heretics reside in the spring of Barahūt in Ḥaḍramawt, is a Shīʿī one. Ibn Qayyim al-Jawziyya corrects him, and proves that it is in fact the belief of a group of Sunnis. Van Ess, *Theologie und Gesellschaft*, vol. 4, p. 522. Van Ess refers to the passage in *K. al-Rūḥ*, p. 131.

Qayyim al-Jawziyya points out the inaccuracy with which Ibn Ḥazm treats the sources, using his harshest most unforgiving tone, generally reserved for his more bitter rivals, the Ash'arites.

Another major point of dispute between Ibn Qayyim al-Jawziyya and Ibn Ḥazm appears in the sixth query, which addresses the question of what state the deceased are in during the chastisements of the grave, dead or alive. Ibn Ḥazm's basic stand is for the existence of the chastisement of the grave, but against the idea that the dead live in their graves before the Day of Resurrection.⁵⁹ Ibn Qayyim al-Jawziyya, on the other hand, determines that the dead indeed live, though not in the proper sense of the word.⁶⁰

Ibn Ḥazm's principal line of argumentation is based here on two Qur'ānic verses, which serve as proof that God causes us to die twice and brings us back to life twice.⁶¹ "Had the dead lived in their graves," argues Ibn Ḥazm, "God would have caused us to die and brought us back to life *thrice*."⁶² He then determines that the spirits of the dead reside in the

⁵⁹ *Rūḥ*, p. 55. Cf. *Faṣl*, vol. 4, pp. 118–119. Ibn Qayyim al-Jawziyya chose not to cite the first part of Ibn Ḥazm's argument for the existence of the chastisement of the grave, based on a reading of Q 6:93: "If thou couldst only see when the evildoers are in the agonies of death, and the angels are stretching out their hands: 'Give up your souls! Today you shall be recompensed with the chastisement of humiliation for what you said untruly about God, waxing proud against His signs'." According to Ibn Ḥazm, the chastisement applies also to those dead who have no graves, like the ones eaten by wild beasts, burnt to ashes, crucified and hanged, because every dead who has no grave "shall be returned as ashes or excrement, or shall be cut to pieces, and in [one of] these forms, he shall be restored back to this world." *Faṣl*, vol. 4, p. 118. As for the Day of Resurrection, Ibn Ḥazm gives Qur'ānic evidence (Q 39:42) according to which only on the Day of Resurrection will the spirits be restored to the bodies.

⁶⁰ In this case, Ibn Qayyim al-Jawziyya relies on Ibn Taymiyya. The latter's view, that the souls are restored to the bodies at the time of the chastisement of the grave is cited in the end of the section "how the soul of the believer and the soul of the apostate are torn out, and a detailed description of what happens to them in the grave" (*dhikr ḥālat al-naz' li-rūḥ al-mu'min wa-li-rūḥ al-kāfir wa-mā yamḍī 'alayhimā fi l-qabr muḥaṣṣalan*). *Rūḥ*, p. 65. Ibn Taymiyya gave his legal opinion on the matter in two different *fatwās*. Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 4, pp. 169–170 (an untitled epistle), vol. 5, pp. 265–266 ("*sharḥ ḥadīth al-nuzūl*").

⁶¹ "They shall say, 'Our Lord, Thou hast caused us to die two deaths and Thou hast given us twice to live; now we confess our sins. Is there any way to go forth?' (Q 40:11). In this verse, it is the unbelievers who attest to this double resurrection. The second verse: 'How do you disbelieve in God, seeing you were dead and He gave you life, then He shall make you dead, then He shall give you life, then unto Him you shall be returned?' (Q 2:28). In this verse, the speaker is God.

⁶² Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 55. Cf. Ibn Ḥazm, *Faṣl*, vol. 4, p. 118.

Barzakh, as we have seen earlier.⁶³ The most interesting element in Ibn Ḥazm's argumentation against the possibility of the dead being alive in their graves is based on his reading of the following anecdote: During the battle of Badr (occurred in 2/624), the Prophet stated that he had spoken to the dead, and that they heard him. When the Muslims expressed their doubts whether the decaying bodies are able to hear, the Prophet replied: "You are not capable of hearing what I am saying to them." Ibn Ḥazm concludes: "The Prophet did not negate the Muslims' statement that these dead were already decaying. He only informed them that they could not hear. Hence, the truth is that this (i.e. the attribution of hearing to the dead) relates to their spirits without any doubt, because the body [in such a state] has no senses."⁶⁴

To a degree, Ibn Qayyim al-Jawziyya accepts Ibn Ḥazm's argumentation. Although he criticizes Ibn Ḥazm's assertion that whoever thinks that the dead live on in their graves is wrong, as being too general (*fīhi ijmāl*), he agrees with Ibn Ḥazm that the dead could not be literally living in their graves, at least not the conventional life of this world (*al-ḥayāt al-ma'hūda fī l-dunyā*), and adds that on top of the Qur'anic texts, natural instincts and logical reasoning lead us to accept Ibn Ḥazm's argumentation. Nevertheless, Ibn al-Qayyim points out that there could be life other than this life, in which the soul is restored to the body, but not in the way it is restored to it in this life. The purpose of this "other life" (*ḥayāt ukhrā*) is indeed to allow the dead to be questioned and judged in their graves. Negating the possibility of this specific other life, then, is wrong.⁶⁵

Finally, Ibn Qayyim al-Jawziyya's sole textual evidence for his stand on the restoration of life to the dead is a *ḥadīth*, in which the Prophet attends a funeral, describes the chastisements of the grave in detail, and states that "his (i.e. the dead man's) spirit is restored to his body (*fa-tu'ādu rūḥuhu fī jasadīhi*)."⁶⁶ Although Ibn Ḥazm rejected this *ḥadīth* on the grounds that its transmitter is a weak authority (*laysa bi-qawī*, "not strong"), Ibn

⁶³ Here he uses the Prophet's testimony that during his nocturnal journey he saw the souls of the dead in the Lower Heaven next to Adam: the souls of the believers at his right, and the souls of the sinners at his left. Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 56. Cf. Ibn Ḥazm, *Faṣl*, vol. 4, p. 119.

⁶⁴ Ibn Qayyim al-Jawziyya, *Rūḥ*, p. 56. Cf. Ibn Ḥazm, *Faṣl*, vol. 4, p. 119.

⁶⁵ Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 56–57.

⁶⁶ Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 60–63. The *ḥadīth* is called "*ḥadīth al-Barā'*" after its immediate transmitter, al-Barā' b. 'Āzib (d. 72/691–2). It is extremely long and detailed. Ibn Qayyim al-Jawziyya quotes the following version: Ibn Ḥanbal, *Musnad*, vol. 14, pp. 202–204. For a shorter version, see Abū Dāwud, *Sunan Abi Dāwud*, p. 860 (*Kitāb al-janā'iz*, *bāb* 27). The same *ḥadīth* is fully quoted by Ibn Qayyim al-Jawziyya in *Ijtīmā'*, pp. 111–112. At

Qayyim al-Jawziyya defies Ibn Ḥazm's severe judgment of that authority, and harshly determines that Ibn Ḥazm's view is baseless.⁶⁷

Whether he refutes him or relies on him, in his *Kitāb al-Rūḥ* Ibn al-Qayyim demonstrates his thorough acquaintance with *al-Faṣl*. The parallels between the *Kitāb al-Rūḥ* and the relevant passages in *al-Faṣl* are striking and indeed call for further investigation, which is beyond the scope of this article.

AL-FAṢL FĪ L-MILAL (II)

One of the peaks of Ibn Qayyim al-Jawziyya's literary output is an impressive *qaṣīda* of six thousand verses entitled *al-Kāfiya al-shāfiya fī l-intiṣār lil-firqa al-nājiya*.⁶⁸ It is one of his fairly early polemical works, although Ibn al-Qayyim undoubtedly wrote it after *Kitāb al-Rūḥ*. Ten verses from this *qaṣīda* are dedicated to Ibn Ḥazm and his pragmatic view of the temporal manifestations of the Qur'ān, a view which Ibn Qayyim al-Jawziyya strives so hard to refute in another twenty-eight verses. In these verses, then, Ibn Qayyim al-Jawziyya does not adopt the Ḥazmian text; he observes it, only to refute it.

The question of the temporal manifestations of the Qur'ān goes back to the debates on the uncreatedness of the Qur'ān from the 9th century CE onward. Since the attribute of God's speech (*kalām allāh*), which is a common synonym for the Qur'ān, is uncreated, are these manifestations of the Qur'ān uncreated too? In a nutshell, the Lafziyya, traditionalists from different trends, the most conspicuous of whom is Ibn Kullāb

p. 112 n. 14 the editor provides more references to *ḥadīth* collections, in which this *ḥadīth* appears.

⁶⁷ Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 62–63. Cf. Ibn Ḥazm, *Faṣl*, vol. 4, p. 119 and Ibn Ḥazm, *Muḥallā*, vol. 1, p. 22. The *ḥadīth* authority whose reliability Ibn Qayyim al-Jawziyya seeks to prove is the Kufan al-Minhāl b. 'Amr (d. 117/735), whose credibility was shaken because singing voices were heard from his house. According to Ibn Ḥazm, Minhāl's stand was unique and opposite to the rest of *ḥadīths* on the subject, and in addition he was not a strong authority. *Faṣl*, vol. 4, p. 119. Ibn Qayyim al-Jawziyya restores Mihāl's honour, and asserts that the transmitter of "the soul is restored to his body" is one of the most reliable transmitters. Ibn Qayyim al-Jawziyya, *Rūḥ*, pp. 57, 62–63.

⁶⁸ Ibn Qayyim al-Jawziyya, *al-Kāfiya al-shāfiya fī l-intiṣār lil-firqa al-nājiya*, ed. 'Abd Allāh b. Muḥammad al-'Umayr, Riyadh 1416/1996. Written in the *kāmil* meter, *al-Kāfiya al-shāfiya* is also known as *al-Qaṣīda al-nūniyya* ("the Ode Rhyming in -n"). *al-Kāfiya al-shāfiya* is frequently mentioned by later Ḥanbali authors. One of the commentators of this work, Muḥammad Khalil Harrās (d. 1975), declares that it has gained the undisputed status of a defining work of Salafi doctrine. Cf. his *Sharḥ al-qaṣīda al-nūniyya*, vol. 1, p. 11. I thank Jon Hoover for clarifying important points of this part of the article.

(d. 241/855?), held the view that *kalām Allāh* is uncreated, while the human utterance (*lafẓ*) of the Qurʾān is created. For this view they were harshly attacked by the Ḥanbalīs. “Beware of he who says: my utterance of the Qurʾān is created!” warns the traditionist, Abū Bakr al-Ājurri (d. 360/971), on the authority of Aḥmad b. Ḥanbal, “for he is a heretic.”⁶⁹ Although condemned as heresy by the Ḥanbalīs, the concept of the createdness of the temporal manifestations of the Qurʾān was cautiously reexamined by later Ashʿarites. Sticking to Aḥmad b. Ḥanbal’s shibboleth, the prominent theologian Abū Ḥasan al-Ashʿarī avoided discussing the matter, stating: “One does not say whether the human utterance of the Qurʾān is created or uncreated.” Later Ashʿarīs, however, explored ways to define the temporal manifestations of the Qurʾān. For instance, the 11th century CE theologian al-Bāqillānī (d. 403/1013) redefined the human utterance as “a meaning (*maʿnā*) subsisting in the soul (*nafs*).”⁷⁰

The Ḥanbalīs, with the exception of several scholars with rationalistic tendencies, were the only traditionalists unwilling to take any stand towards the question of the createdness of the temporal manifestations of the Qurʾān. Not only were they unwilling to accept it, but also unable to reject it.⁷¹ As for other trends, substantially they all say the same thing, or as Ibn Taymiyya puts it, the debate on the majority of doctrinal questions is “merely terminological” (*wal-nizāʿ baynahum fī kathīr min al-mawāḍiʿ, lafẓiyyun*).⁷² The question is, then, what term to use when describing the temporal manifestations of the Qurʾān. Some (Muʿtazilīs and Ashʿarites, mainly) have used the distinction between “the reciting” (*al-qirāʾa*), which is the created act of the human being, and “what is recited” (*al-maqrūʾ*), which is the speech of God, hence uncreated. Others (this is the solution of Ibn Kullāb) have used the term “version” (*ḥikāya*) to denote Qurʾāns which exist in various forms in this world. The distinction between “utterance” (*lafẓ*), which is created, and “meaning” (*maʿnā*) which is uncreated, is also being made in many theological works. The difference between

⁶⁹ Al-Ājurri, *K. al-Sharīʿa*, p. 75. Cf. Ibn Taymiyya, *Majmūʿat al-fatāwā*, vol. 7 p. 399 (*Kitāb al-imān al-awsaṭ*): “Whoever claims that my utterance of the Qurʾān is created is a Jahmī (a vituperative name given to Muʿtazilīs). Whoever says it is uncreated is an innovator (*mubtadiʿ*).”

⁷⁰ Josef van Ess, “Ibn Kullāb” *Encyclopedia of Islam*. New Edition, vol. 12, pp. 391–392; Watt, *Formative Period*, pp. 280–285, esp. p. 285.

⁷¹ Watt, *Formative Period*, p. 283.

⁷² Ibn Taymiyya, *Majmūʿat al-fatāwā*, vol. 12, p. 180 (*fi l-qurʾān wa-kalām allāh*). Cf. Daiber, “The Quran as ‘Shibboleth’,” pp. 249–261, 265–276.

various scholars, apart from their choice of terminology, is how far they are willing to go in order to express this concept.

Ibn Ḥazm also had his share in this discussion, contributing several interesting insights. His argument, which appears in *al-Faṣl*, is basically a follow-up to Aḥmad b. Ḥanbal's stand. It begins with what seems to be a mere reflection of the conventional Sunnī formula of the uncreatedness of the Qur'ān, but it goes further, as Ibn Ḥazm claims that there are, in fact, created Qur'āns.⁷³

Ibn Ḥazm's argument has two interwoven characteristics: a traditionalist, or rather, a conservative view, and a rationalist-pragmatic one. The traditionalist view appears in Ibn Ḥazm's profession of faith (*'aqīda*) in his *Kitāb al-Muḥallā* and *Marātib al-ijmā'*, while the rationalist view appears in *al-Faṣl*. Even so, the distinction between these two texts is rather schematic, because there are allusions to his rationalist theory in the *'aqīda*. At the same time, Ibn Ḥazm's theory of the Qur'ānic manifestations as it appears in *al-Faṣl* is abundant in Qur'ānic evidence, used also by other traditionalist thinkers on the same subject, hence its traditionalist characteristics are quite evident.

Relying heavily on the Qur'ān, the relevant article of faith in *Kitāb al-Muḥallā* seems to be traditionalist through and through. It goes as follows:

The Qur'ān is the speech of God and His knowledge, and hence uncreated, as is written in the Qur'ān (Q. 41:45): 'And but for a word from your Lord, long since decreed, their difference would have been justly settled'. Therefore, He, to Him belong might and glory, has informed [us], that *His speech is His knowledge*, and that it is eternal and uncreated. [The Qur'ān] is what is written in the copies of the Qur'ān (*maṣāḥif*; sing. *muṣḥaf*). It is what one hears from the reciter. It is what the believers preserve in their hearts, and also what Jibrīl has brought down to Muḥammad's heart. All these are God's book and His Word. All these are the Qur'ān, literally and not figuratively. Whoever says, that any of these is not the Qur'ān and not God's Word, is an infidel, since his stand opposes that of God's, the Prophet's and the consensus of the Islamic community.⁷⁴

⁷³ Ibn Ḥazm, *Faṣl*, vol. 3, pp. 11–23, esp. 14–18 (*"al-kalām fī l-qur'ān wa-huwa al-qawl fī kalām Allāh ta'ālā"*). The view of Ibn Ḥazm and the views of other theologians were discussed in Kister, *"Lā yamassuhu ..."*, pp. 317–321. That article was published after the completion of the present paper.

⁷⁴ Ibn Ḥazm, *Muḥallā*, vol. 1, p. 32; idem, *Marātib al-ijmā'*, p. 268.

An almost identical paragraph appears in several traditionalist *‘aqā’id*, from the Ḥanafīs⁷⁵ to the Ash‘arites.⁷⁶ More importantly, the phrase “His speech is His knowledge,” which represents Ibn Ḥazm’s stance, is originally a formula attributed to Aḥmad b. Ḥanbal.⁷⁷

The rationalist argument of Ibn Ḥazm appears in the chapter “the dispute on the Qur’ān, which focuses on the belief that the Qur’ān is God’s speech (*al-kalām fi l-qur’ān wa-huwa al-qawl fi kalām allāh ta’ālā*)” in *al-Faṣl*. It begins with a traditionalist statement, develops into a polemic with the Ash‘arites and Mu‘tazilis, and reaches its peak while molding a rationalist formula on the manifestations of the Qur’ān. The theoretical platform on which Ibn Ḥazm establishes his argumentation is both linguistic and philosophical. First, Ibn Ḥazm defines the Qur’ān as God’s speech (*kalām Allāh*) and states that both terms really mean the same. In his words: “It is one meaning and two different words” (*ma’nan wāḥidun wal-lafẓāni mukhtalifāni*). Hence, a person reciting the Qur’ān and a person reciting God’s speech are two identical sentences with different ways of expression.⁷⁸

This being established, Ibn Ḥazm now turns to his theory, according to which there are four created manifestations of the Qur’ān, and a fifth Qur’ān, which is uncreated. The first manifestation is the human voice that we hear, in which God’s speech is pronounced (*al-ṣawt al-masmū‘ al-malfūẓ bihi*).⁷⁹ However, the human voice merely carries God’s speech.

⁷⁵ “The Kuran is the Speech of Allah, written in the copies, preserved in the memories, recited by the tongues, revealed to the Prophet. Our pronouncing, writing and reciting the Kuran is created, whereas the Kuran itself is uncreated.” A translation of a Ḥanafī creed, entitled “the Fiḥ Akbar II,” from Wensinck, *Muslim Creed*, p. 189.

⁷⁶ One of the most thorough surveys on the uncreatedness of the Qur’ān is Ibn Qayyim al-Jawziyya’s *Ijtīmā’*. For accurate citations of Ash‘arite views of the subject, see Ibn Qayyim al-Jawziyya, *Ijtīmā’*, pp. 177–178, 192, 233–234, 248, 282.

⁷⁷ For the formula “the speech of God equals the knowledge of God,” see: Madelung, “Controversy,” p. 515. See also al-Ājurri, *K. al-Sharī‘a*, p. 87.

⁷⁸ Ibn Ḥazm, *Faṣl*, vol. 2, p. 14.

⁷⁹ Ibn Ḥazm, *Faṣl*, vol. 2, p. 14. Ibn Ḥazm emphasizes: “We say that it is truly God’s speech” (*kalām Allāh ta’ālā ḥaqīqatan*). Ibn Ḥazm corroborates this view through four Qur’ānic verses which indicate that the Qur’ānic text itself refers to Qur’ānic verses heard by humans and *jinn* as God’s speech. Two of these verses connect God’s speech with human hearing: “If an idolator seeks asylum with you, give him protection so that *he may hear the Word of God*” (Q 9:6); “Do you then hope that they will believe in you, when some of them *have already heard the Word of God* and knowingly perverted it, although they understood its meaning?” (Q 2:75). The possibility of hearing God’s Word or God’s speech directly from God is refuted in the beginning of the chapter, since Moses is the only human to whom God has spoken directly. Ibn Ḥazm, *Faṣl*, vol. 2, p. 11. One of the verses connects between the Qur’ān and the *jinn* hearing it: “It is revealed to me that a band of *jinn* listened to God’s revelations and said: ‘We have heard a wondrous Koran giving guidance to the

Thus, the content of the divine message is the second manifestation of the Qur'ān.⁸⁰ The third Qur'ānic manifestation is the written copy of the Qur'ān, the book (*muṣḥaf*).⁸¹ The fourth Qur'ānic manifestation is the speech of God as remembered by humans, or as Ibn Ḥazm puts it, what resides in the human heart (*al-mustaqirr fī l-ṣudūr*).⁸² The fifth Qur'ānic manifestation is God's speech, which is God's knowledge, eternal and uncreated.⁸³

Ibn Ḥazm's theory is but a variation of similar theories by earlier theologians, meant to distinguish the divine from the worldly, such as the Ash'arite distinction between "the reciting" (*al-qirā'a*), which is the created act of the human being, and "what is recited" (*al-maqrū'*).⁸⁴ It is the straightforward common sense approach that makes Ibn Ḥazm's theory so distinctive. Without hiding behind sophisticated arguments, he explains why we must accept the createdness of the first four manifestations of the Qur'ān, and the uncreatedness of the fifth. The human voice, for example, is air that is pushed out of the human organs such as the throat and the chest. Other organs, such as the palate, the tongue, the lips, and the teeth, participate in formulating the human voice, which is perceived eventually by the human ears. The objects of the Qur'ānic narrative, like the angels, the believers, heaven and earth, prayer and alms, the memory of annihilated ancient peoples, all these are created, while God's Word is uncreated. The *muṣḥaf* is created. We can clearly see, says Ibn

right path" (Q 72:1). One of the verses connects between the Qur'ān and the human voice: "Recite from the Koran as many verses as you are able" (Q 73:20).

⁸⁰ Ibn Ḥazm specifies: "It is the information grasped from that voice which is called Qur'ān, and it is truly the Word of God (*wa-yusammā al-maḥfūmu min dhālika al-ṣawti qur'ānan wa-kalām Allāh ta'ālā 'alā l-ḥaqīqa*). Ibn Ḥazm, *Faṣl*, vol. 2, p. 14. Elsewhere, he specifies that the information can be anything mentioned in the Qur'ān. For instance, when we interpret Qur'ānic verses on almsgiving (*zakāt*), prayers, and the pilgrimage to Mecca etc., we tend to say "This is the Word of God." Ibid., vol. 2, p. 14.

⁸¹ Ibn Ḥazm uses here the various expressions denoting the copy of the Qur'ān, thus laying a double emphasis on his claim that Qur'ān equals *kalām Allāh*, and that various expressions can be used for one meaning, and he says: "The Book of God (*kitāb Allāh*) is the Qur'ān according to the consensus of the Nation. The Messenger of God had given the name Qur'ān to the copy of the Qur'ān (*muṣḥaf*), and the Qur'ān is the Word of God, so the *muṣḥaf* is truly the Word of God and not metaphorically." Ibn Ḥazm, *Faṣl*, vol. 2, p. 15.

⁸² That the Word of God resides in the human heart is made explicit in a Qur'ānic verse: "Here are Signs, Self evident in the hearts of those endowed with knowledge" (Q 29:49). This is 'Abdullah Yūsuf 'Alī's translation, which is more coherent in this case than Arberry's. See his *The Meaning of the Holy Qur'ān*, Beltsville MA 1422/2001.

⁸³ Ibn Ḥazm, *Faṣl*, vol. 2, p. 16. Ibn Ḥazm states that the Qur'ān is the knowledge of God at least twice more, cf. *al-Faṣl*, vol. 2, pp. 11, 17.

⁸⁴ Frank, *Al-Ghazālī*, p. 82.

Ḥazm, that the *muṣḥaf* is nothing but parchments made of animal skins. He even specifies the ingredients of ink (gum, vitriol, iron gall and water), to prove that what we hold in our hands is indeed created, although we call it the Qurʾān, which is, as previously stated, God's speech.⁸⁵

Ibn Ḥazm's view is obviously pragmatic, as he wishes to dedicate the formula "God's speech is uncreated" solely to the fifth manifestation of the Qurʾān. His argumentation is based on common sense on the one hand, and on the common use of the language, on the other. The linguistic argument is elaborated towards the end of the chapter. Ibn Ḥazm's solution is to describe the Qurʾān by the traditionalist formula of "neither a creator nor created" (*lā khāliq wa-lā makhlūq*).⁸⁶

Since the name Qurʾān applies equally and truly to five different things, from which four are created and one is uncreated, no one is allowed to say that the Qurʾān is created or that God's speech is created.⁸⁷

The distinction Ibn Ḥazm makes between the temporal manifestations of the Qurʾān and the Qurʾān as the uncreated Word of God and His Knowledge has one practical implication, and that is the issue of oaths. There are several *ḥadīths*, including one on the authority of the Prophet himself, which refer to swearing by the Qurʾān as an unbreakable oath. However, none of them clarifies what they mean by "Qurʾān," a point that Ibn Ḥazm explains:

Whoever takes an oath and swears by the Qurʾān or by the Word of God, but deep inside he means the copy of the Qurʾān, or the reciting voice [of the Qurʾān], which one can hear, or the [text] as remembered by heart, what he says is not considered to be an oath (*yamīn*). If he does not mean all the above, but unrestrictedly means the Qurʾān, then it is an oath. In case he breaks it, he is obliged to make atonement. The reason is that the speech of God is His knowledge.⁸⁸

One may find a repercussion of Ibn Ḥazm's pragmatic view of the Qurʾān and its temporal manifestations in another issue, which is the issue of

⁸⁵ Ibn Ḥazm, *Faṣl*, vol. 2, p. 16.

⁸⁶ Ibid, p. 19. For the formula *lā khāliq wa-lā makhlūq*, see al-Ājurri, *K. al-Sharīʿa*, p. 83 and Madelung, "Controversy," p. 508.

⁸⁷ Ibn Ḥazm *Faṣl*, vol. 2, p. 17. As an example, Ibn Ḥazm explains that when you have five garments, four of which are red and the fifth is not red, then the only option of describing this garment is to say that it is not red. Saying that it is red is obviously a lie. The analogy to his theory is clear, and it is an attack on the Muʿtazila for having claimed that the word of God is created. Ibn Ḥazm, *Faṣl*, vol. 2, p. 18.

⁸⁸ Ibn Ḥazm, *Muḥallā*, vol. 8, p. 33 (query 1129).

touching the Qurʾān and reading it by a man in a state of major ritual impurity (*junb*) or a menstruating woman (*ḥa'id*). Ibn Ḥazm allows it, after examining all the opinions against it. Once having ruled that there is no textual evidence forbidding the ritually impure to touch the Qurʾān, he refers to the opinion of Abū Ḥanīfa (d. 150/767), who allowed the ritually impure to carry the Qurʾān in a saddle bag (*khurj*). Ibn Ḥazm here gives an opinion that implies what the Qurʾān is, in his eyes. The material from which the Qurʾān is made, is obviously not the Qurʾān. The temporal Qurʾān is, then, an object which contains the one uncreated Qurʾān:

If the saddle bag separates between the Qurʾān and the man who carries it, then the shoulder-blade and the sheets of paper separate between the man who touches them and the Qurʾān. There is no difference.⁸⁹

Turning now to Ibn Qayyim al-Jawziyya and his poem, he does not mention one of the created manifestations of the Qurʾān, that of the content of the Revelation (stories about ancient peoples, laws, warnings, etc.), but he maintains the core of Ibn Ḥazm's argument and eventually provides an accurate account of it. This is how he interprets Ibn Ḥazm's view:

After that came Ibn Ḥazm and said: the people have neither one Qurʾān nor two,
But four, all of which are called Qurʾān. This saying is evidently false.
There is the one we recite, and another, put down in writing, which is called the Uthmanic Codex (*al-muṣḥaf al-uthmānī*).
The third one is kept in our hearts. All three are God's creation.
The fourth is an eternal entity (*al-ma'nā al-qadīm*) like His knowledge. All these are called Qurʾān.
But I do believe that he (i.e. Ibn Ḥazm) was looking for something, for which he had not found an accurate phrase.
[Every] specific [thing] has four degrees [of existence], all of which are comprehensible and well known to every man.
[A degree of existence] in the eye, in the mind, the uttered word, and the written one, which your fingers put down.
To all of which the name is correctly applied, yet the most deserving to have this name is that which is situated in the entities.⁹⁰

⁸⁹ Ibn Ḥazm, *Muḥallā*, vol. 1, pp. 77–84, at p. 84. Ibn Taymiyya refers to Ibn Ḥazm's opinion in a comprehensive *fatwā* on purity. Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 1, p. 341. On the basis of a Prophetic *ḥadīth*, which states "Only the pure can touch the Qurʾān," Ibn Taymiyya rejects Ibn Ḥazm's view. *Ibid.*, vol. 1, p. 357. A useful survey on the subject is Fierro, "En manos de fieles e infieles," p. 209. I thank the author for providing me with a copy of her article.

⁹⁰ Ibn Qayyim al-Jawziyya, *al-Kāfiya al-shāfiya* (1996), p. 81, verses 748–756. Verse 757 gives Fakhr al-Dīn al-Rāzī's opinion.

After this description Ibn Qayyim al-Jawziyya offers an explanation of Ibn Ḥazm. The point of dispute here is terminological. Ibn al-Qayyim criticizes Ibn Ḥazm for not establishing a substantial terminology for his argument and suggests what he considers to be a more precise set of terms, that of degrees (*marātib*) [of existence]:

The thing is but one thing, not four. A meager ability to differentiate between things is what befell Ibn Ḥazm.⁹¹

God has told us that He speaks through the Revelation and the Qurʾān.

He also has informed us that His Word is preserved in the hearts of those who have both knowledge and faith.

He also has informed us that His Word is in ‘purified pages’⁹² [which came] from the Merciful.

He has also informed us that His Word is both read and recited, when the human recites it.

It is all but one thing, not four and three and two.⁹³

Ibn Qayyim al-Jawziyya here strives to separate between human actions (reading, reciting, writing and memorizing) and between the Qurʾān, to which all of these human actions apply. This separation allows him to establish one concept, divided into two parts: there is one Qurʾān; the Qurʾānic text has several degrees of existence which are the products of human actions: the recited Qurʾān is one degree which is the product of the human recitation, the written Qurʾān is another degree which is the product of the human writing, and so on. This view is summed up in the following verses:

Reciting the Qurʾān is our action, and so is writing [it] with our fingers.

But what is recited, written or kept in one’s heart, is the Word of the One, the Benefactor.

The human being can recite it in a pleasant voice, but also in a not so pleasant one. At any rate, both voices are the human’s.

⁹¹ The chief Shāfiʿī qāḍī of Damascus, Taqī al-Dīn al-Subkī (d. 756/1355), wrote a brief response in prose to al-Kāfiya entitled *al-Sayf al-ṣaqil fī al-Radd ‘alā Ibn Zafīl*. Al-Subkī paraphrases Ibn Qayyim al-Jawziyya’s versification more or less accurately: “Ibn Ḥazm came, and said: The people have neither one Qurʾān nor two, but four. This saying is evidently false. There is the recited one, the written one and the one which is kept [in the hearts], and the eternal entity (*al-maʾnā al-qadīm*). Thus Ibn Ḥazm was a misfortune befalling on the Muslim community.” Al-Subkī, *Sayf*, p. 75. I thank Gino Schallenberg for sending me a copy of *al-Sayf al-ṣaqil*.

⁹² “Purified pages” is an allusion to “it is a Reminder (and whoso wills, shall remember it) upon pages high-honored, uplifted, purified.” (Q 80:11–14)

⁹³ *Al-Kāfiya al-shāfiya* (1996), pp. 81–82, verses 758–63.

He can also write the Qurʾān in fine calligraphy, and not so fine. At any rate, both calligraphies are the human's.

As for our voices, our ink, our writing material, and the parchment, and also [our] writing the Qurʾān,

They are all created. But His Word, which is recited, is not created. These are two different things.⁹⁴

Ibn Qayyim's critique is meant to identify a possible solution of setting an accurate terminology, which enables Ibn Ḥazm's theory to merge into the Jawziyyan discourse. This "degrees of existence" solution enables him to define the createdness of the temporal manifestations of the Qurʾān without actually defining them as created. The solution suggested by Ibn Qayyim al-Jawziyya in *al-Kāfiya al-shāfiya* was first applied by Ibn Taymiyya in his attack on extremists, whom he calls "the chicks of the Lafziyya" (*furūkh al-lafziyya*). Those extremists apparently sacralized the copies of the Qurʾān and their voices, while reciting the Qurʾān, elevating them to the degree of the divine attribute of God's Word.⁹⁵ In order to demonstrate the difference between the copy of the Qurʾān one can hold in his hand, and the Word of God, Ibn Taymiyya says: "Every thing has four degrees of existence: an existence in the entities (*aʿyān*), an existence in the minds (*adhhān*), an existence in the tongue (*lisān*) and an existence in the fingers (*binān*), or in other words, an actual existence (*wujūd ʿaynī*), an intellectual existence (*wujūd ʿilmī*), an existence in the uttered words (*wujūd lafẓī*) and an existence in the written words (*wujūd rasmī*)."⁹⁶

When Ibn Taymiyya applies this terminology to the different temporal manifestations of the Qurʾān, however, he is very cautious not to say, as Ibn Ḥazm did, that "the name Qurʾān applies equally and truly to five different things, from which four are created and one is uncreated,"⁹⁷ although his (and Ibn Qayyim al-Jawziyya's) "degrees of existence" terminology

⁹⁴ *Al-Kāfiya al-shāfiya*, p. 82, verses 764–68, verse 773. Verses 769–72 paraphrase another *Qaṣida Nūniyya* written by Abū Muḥammad ʿAbd Allāh b. Muḥammad al-Qaḥṭānī (a predecessor of Ibn Qayyim al-Jawziyya whose death date is unknown), and merely repeat what was said before. In an excellent annotated edition of *al-Kāfiya al-shāfiya*, the editors put verses 769–72 in square brackets, thus connecting verse 773 with verse 768. This reading makes the poem more comprehensible. Ibn Qayyim al-Jawziyya, *al-Kāfiya al-shāfiya fī al-intiṣār lil-firqa al-nājiya*, ed. Muḥammad b. ʿAbd al-Raḥmān al-ʿArifi, Mecca 1428/[2007], pp. 236–237. This edition was prepared under the supervision of Bakr Abū Zayd, the author of Ibn Qayyim al-Jawziyya's biography and the editor of several of his manuscripts in scientific editions.

⁹⁵ Ibn Taymiyya, *Majmūʿat al-fatāwā*, vol. 12, pp. 205–206.

⁹⁶ *Ibid.*, p. 206

⁹⁷ Ibn Ḥazm, *Faṣl*, vol. 2, p. 17.

in fact delineates between the temporal Qur'āns to the divine attribute of God's speech.

Ibn Qayyim al-Jawziyya concludes his address to Ibn Ḥazm with a reproach, which could be read as referring to Ibn Ḥazm personally:

You must be more specific and observant, because generalizations without clarifications

Are exactly what corrupted this existence and constantly made the intellects and opinions stumble and fall.

Reciting *the* Qur'ān, and I am emphasizing the definite article "the," means one of two things:

It can either be what is recited, that is, His Word. However, like the Master of all Beings, it is not created.

Or it can be the human acts, [which are], like their voices and writing material, created.⁹⁸

Given the fact that Ibn al-Qayyim adopted the essence of Ibn Ḥazm's claim, this reproach is hardly justified, and again underlines the intensity of emotions that Ibn Ḥazm aroused in Ibn Qayyim al-Jawziyya.

ḤIJJAT AL-WADĀ'

Ibn Ḥazm's fundamental approach to the two main sources of law, the Qur'ān and *ḥadīth*, denies any possibility of an inner contradiction in the sacred texts. In fact, claims Ibn Ḥazm, two Qur'ānic verses cannot contradict each other, a Qur'ānic verse cannot contradict a reliable *ḥadīth*, and two reliable *ḥadīths* cannot contradict one another. If a layman or a pretentious scholar ignorantly identifies such a contradiction, then it is the duty of the Muslim to follow whatever these texts order or suggest, "because neither text is more deserving to be applied than the other, and neither *ḥadīth* is more obligating than the other."⁹⁹ This approach is fully applied in *Ḥijjat al-wadā'*, which is an illuminating example of Ibn Ḥazm's treatment of *ḥadīths*, although not in order to establish the Islamic law, but in order to reconstruct a historical narrative.

In his introduction to *Ḥijjat al-wadā'*, Ibn Ḥazm declares that people have despaired from studying the *ḥadīths* on Muḥammad's Farewell Pilgrimage to Mecca, because the numerous variations of these accounts often

⁹⁸ Ibn Qayyim al-Jawziyya, *al-Kāfiya al-shāfiya* (1996), pp. 82–83, verses 774–78.

⁹⁹ Ibn Ḥazm, *Iḥkām*, vol 2, p. 21.

seem to be contradicting.¹⁰⁰ When taking upon himself the task of sorting out these accounts, and depicting the actual route of Muḥammad's pilgrimage and his deeds at every stop along the way, Ibn Ḥazm discovered, so he claims, that the apparently contradicting texts are actually compatible and complement each other. Unlike the conventional general opinion about these accounts, Ibn Ḥazm found them "coherent (*munsarida*), well connected to each other and clear in both their content and style."¹⁰¹

In *Hijjat al-wadā'* Ibn Ḥazm aims at unifying the discourse on the Farewell Pilgrimage and producing a coherent narrative based on authenticated *ḥadīths* only, whose chain of transmitters ends either with the Prophet himself or with a *ṣaḥābī* eye-witness. This narrative is presented in the first chapter (*al-faṣl al-awwal*), which reveals every action of the Prophet from the moment he announced to the people of Medina his intention to make the Pilgrimage, until his return to Medina. In order to produce coherency and fluency, Ibn Ḥazm omits the chains of transmitters and even the direct transmitters of these accounts, and he retells these stories. From the second chapter onward, Ibn Ḥazm deals with specific details of the narrative he constructs. He identifies *ḥadīths* considered by others to be disputable; however he clarifies them, and shows that they do not contradict each other, but in fact fit nicely in the coherent narrative he toils to reconstruct.

Ibn Ḥazm indeed succeeded in weaving a coherent narrative of the Prophet's Farewell Pilgrimage, but failed, according to his own admission, in figuring out the case of the Prophet's prayer on the Day of Immolation (*yawm al-naḥr*). He admits that he could not determine whether the Prophet performed this prayer in Minā or Mecca. "Perhaps a clarification of [this point] will be revealed to someone else," he adds modestly, "I hope that whoever figures out some day the things that were difficult for me, will add them to what I have already assembled here, thus enabling me to be granted with a great recompense from God."¹⁰² The modest tone Ibn Ḥazm uses could either be read as a stylistic convention or as a façade covering his pride in his innovative and pioneering work. His apology, then, should probably be read as challenging all his successors to try and rip out the seams of his work.

¹⁰⁰ Ibn Ḥazm, *Hijja*, pp. 43–44.—Ibn Ḥazm's *Hijjat al-wadā'* has been systematically analyzed and translated by Camilla Adang ("The Prophet's Farewell Pilgrimage"). Her article came to my attention only after the completion of the present paper.

¹⁰¹ Ibn Ḥazm, *Hijja*, p. 44.

¹⁰² Ibn Ḥazm, *Hijja*, p. 44.

Three centuries later, Ibn Qayyim al-Jawziyya accepts this challenge. He is not satisfied with merely checking the unsolved case of the prayer on the Day of Immolation, but systematically examines Ibn Ḥazm's narrative, sometimes accepting, sometimes rejecting it. He does that in his final work, *Zād al-ma'ād fī hady khayr al-'ibād*, which is an ambitious attempt to retell the *sīra* of the Prophet.¹⁰³ Like Ibn Ḥazm, Ibn Qayyim al-Jawziyya toils to reconstruct a coherent narrative from the numerous versions scattered in the *ḥadīth* material. Having Ibn Ḥazm's *Ḥijjat al-wadā'* in front of him, Ibn Qayyim al-Jawziyya analyzes the latter's argumentations, and even tries to provide possible explanations for Ibn Ḥazm's suggested solutions.

Zād al-ma'ād is a mature work, penned by a scholar confident in his vast knowledge of *ḥadīth* and bold in his interpretation. The lion's share of it has been so far neglected, since it has not drawn scholarly attention, apart from its last section, which deals with *al-ṭibb al-nabawī*.¹⁰⁴ Ibn Qayyim al-Jawziyya's systematic examination of Ibn Ḥazm's *Ḥijjat al-wadā'* is a truly independent scholarly endeavour, which was not inspired by Ibn Taymiyya in any way, although Ibn Taymiyya was quite familiar with the work and even described it as "a good book" (*kitāb jayyid*).¹⁰⁵ We will examine one representative case from *Zād al-ma'ād*, in which Ibn al-Qayyim tries to defeat Ibn Ḥazm, using the Ḥazmian method of establishing a coherent line of narrative from different and sometimes contradicting *ḥadīths*. The case in question is the date of the Prophet's departure from Medina to Mecca, a case which apparently no scholar before Ibn Ḥazm tried to decipher.¹⁰⁶

There are basically two authenticated *ḥadīths* connected to this case, but neither indicates the specific day of departure. The first *ḥadīth*, on the authority of 'Ā'isha (d. 58/678) states:

¹⁰³ Ibn Qayyim al-Jawziyya, *Zād*.

¹⁰⁴ *Al-Ṭibb al-nabawī*, the last part of *Zād al-ma'ād* was twice translated into English, *Medicine of the Prophet* (tr. P. Johnstone), and *Natural Healing with the Medicine of the Prophet* (tr. Muhammad al-Akili). A thorough article on *al-ṭibb al-nabawī* is Perho, "Ibn Qayyim al-Ġawziyyah's contribution." The first attempt so far to examine the sources of the Prophet's *sīra* in *Zād al-ma'ād* is al-Ḥaddād, *Ibn Qayyim al-Jawziyya*. The author names Ibn Ḥazm as one of Ibn Qayyim al-Jawziyya's sources in *Zād al-ma'ād*, but does not elaborate on this point. Cf. *ibid.*, p. 68.

¹⁰⁵ Ibn Taymiyya, *Majmū'at al-fatāwā*, vol. 26, pp. 38, 47 ("Bāb al-iḥrām").

¹⁰⁶ The most helpful secondary source in this case is Lings, *Muhammad*, pp. 335–339.

We departed five [days] before the end of Dhū l-Qa‘da (*li-khams baqīna min Dhī l-Qa‘da*).¹⁰⁷

This version does not state wherefrom they departed. Moreover, although the phrase *li-khams baqīna min* is usually taken for “five days before the end of [the month],” which is the 25th of a month of thirty days, it can also be taken for “five nights before the end of [the month],” which actually means the 24th of a month of thirty days. This point, as we shall see, is crucial for Ibn Ḥazm’s argument and Ibn Qayyim al-Jawziyya’s attempt to rebut it.

The second *ḥadīth*, on the authority of Ibn ‘Abbās, can also be interpreted in different ways:

The Prophet left Medina after he combed his hair, anointed, and put on his waist-wrapper and shirt, for he had not prohibited wearing waist-wrappers and shirts, apart from those which are saffron-dyed, because they stain the skin. And so in the morning he awoke in Dhū l-Ḥulayfa (a place with a well, situated six miles from Medina). He rode his she-camel, directing himself to al-Baydā’ (a plain near Medina, on the road to Mecca). That was five [days or nights] before the end of Dhū l-Qa‘da (*li-khams baqīna min Dhī l-Qa‘da*), and he came to Mecca five [days or nights] after the beginning of Dhū l-Ḥijja (*li-khams khalawna min Dhī l-Ḥijja*).¹⁰⁸

Two problems arise from this version: does the date of departure refer to departing Medina or Dhū l-Ḥulayfa? Does the phrase *li-khams baqīna min Dhī l-Qa‘da* means the 25th (if *baqīna* means days left before the end of the month) of the month or the 24th (if *baqīna* means nights left before the end of the month)? Ibn Ḥazm would suggest that the Prophet left Medina on the 24th, arrived at Dhū l-Ḥulayfa, spent the night there, and went to Mecca from there on the 25th. Ibn Qayyim al-Jawziyya on the other hand suggests that the Prophet left Medina on the 25th.

Adding to the readers’ confusion about these accounts, there is a third *ḥadīth* in which Anas b. Mālik (d. 91/709 or 92/710 or 93/711) testifies that before departing Medina, the Prophet and his entourage prayed four

¹⁰⁷ For two versions of this account, see al-Bukhārī, *Ṣaḥīḥ*, vol. 1, pp. 521, 524 (*Kitāb al-ḥajj*, *bāb* 115 and *bāb* 124). Ibn Ḥazm, *Hijja*, p. 156; Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 306. For more references to the relevant *ḥadīth* material, see editor’s comments in Ibn Kathīr, *Hijjat al-wadā’*, pp. 25–29. Ibn Kathīr’s *Hijjat al-wadā’* is actually a chapter of his monumental *al-Bidāya wa-l-nihāya*.

¹⁰⁸ Al-Bukhārī, *Ṣaḥīḥ*, vol. 1, p. 477 (*Kitāb al-Ḥajj*, *bāb* 23); Ibn Ḥazm, *Hijja*, pp. 63, 156–157; Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, pp. 306–307.

rak'as in Medina.¹⁰⁹ Four is the number of *rak'as* in the Noon Prayer on ordinary days, not on Fridays. This piece of information will play a key role when both Ibn Ḥazm and Ibn al-Qayyim try to establish the exact day on which the Prophet left Medina.

Let us first consider Ibn Ḥazm's attempt to reconcile these three *ḥadīths* and determine the exact date on which the Prophet departed Medina to make his Farewell Pilgrimage. Ibn Ḥazm claims that the Prophet departed for the Farewell Pilgrimage from Medina to Mecca on Thursday, six days before the end of Dhū l-Qa'da (i.e. the 24th of the eleventh month) in the year 10 AH,¹¹⁰ after he anointed, combed his hair, and prayed the Noon Prayer in Medina.¹¹¹ Then Ibn Ḥazm toils a great deal in order to prove that this assertion is correct, in spite of the existence of contradicting versions, while establishing a coherent and factual narrative from the *ḥadīths*.¹¹² He also fills the gaps in the narrative while using calculations and common sense.

The following timetable is based on Ibn Ḥazm's narrative:¹¹³

Table 1

Date	Day	Special Event
24 Dhū l-Qa'da	Thursday*	The Prophet departs from Medina, after having prayed the Noon Prayer (<i>ẓuhr</i>) there. He arrives at Dhū l-Ḥulayfa, and prays the Afternoon Prayer (<i>ʿaṣr</i>) there. He spends the night at Dhū l-Ḥulayfa
25 Dhū l-Qa'da	Friday	The Prophet leaves Dhū l-Ḥulayfa, and arrives at al-Baydāʾ.
26 Dhū l-Qa'da	Saturday	
27 Dhū l-Qa'da	Sunday	
28 Dhū l-Qa'da	Monday	
29 Dhū l-Qa'da	Tuesday	
30 Dhū l-Qa'da	Wednesday	
1 Dhū l-Ḥijja	Thursday*	The beginning of the month (<i>istihlāl</i>)
2 Dhū l-Ḥijja	Friday	

¹⁰⁹ Al-Bukhārī, *Ṣaḥīḥ*, vol. 1, p. 478 (*Kitāb al-Ḥajj*, *bāb* 27); Ibn Ḥazm, *Hijja*, pp. 64, 156–157; Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, pp. 306–307.

¹¹⁰ 24.11.10 AH is 21.2.632 CE. Common Era dates will be indicated in footnotes.

¹¹¹ Ibn Ḥazm, *Hijja*, p. 46. That the Farewell Pilgrimage took place in the 10th Hijrī year is known from a report about the companion Jābir b. ʿAbd Allāh (d. 78/697). When asked when the Farewell Pilgrimage took place, he folded nine fingers and said: "The Prophet did not make the Pilgrimage for nine years, and then it was proclaimed before the people [of Medina] that he intends to make the pilgrimage." Ibid., p. 60.

¹¹² Ibn Ḥazm, *Hijja*, pp. 62–65, 155–158.

¹¹³ Ibn Ḥazm, *Hijja*, pp. 62–65. For an abridged version, see Ibn Ḥazm, *Jawāmiʿ al-sīra al-nabawiyya*, pp. 207–208. Cf. Adang, "The Farewell," pp. 146–148.

Table 1 (*cont.*)

Date	Day	Special Event
3 Dhū l-Ḥijja	Saturday	The Prophet stays over night at Dhū Ṭuwā (near Mecca)
4 Dhū l-Ḥijja	Sunday	The Prophet arrives in Mecca
5 Dhū l-Ḥijja	Monday	
6 Dhū l-Ḥijja	Tuesday	
7 Dhū l-Ḥijja	Wednesday	
8 Dhū l-Ḥijja	Thursday	
9 Dhū l-Ḥijja	Friday*	The Day of 'Arafa

Ibn Ḥazm's conclusion that the Prophet departed for Mecca on a Thursday is based on an event, which took place during the Farewell Pilgrimage. This event was the Day of 'Arafa, a gathering in a valley situated thirteen miles east of Mecca, during which the Prophet gave a ceremonial address (*khuṭba*). According to 'Umar b. al-Khaṭṭāb's testimony, the Day of 'Arafa, which is the 9th of Dhū l-Ḥijja, fell on a Friday that year, i.e. the year 10 AH.¹¹⁴ Following this account, Ibn Ḥazm deduces that the first day of Dhū l-Ḥijja was a Thursday. Since this assertion is based on his own calculations and not on textual evidence, Ibn Ḥazm checks his line of argumentation twice, moving backward and then forward in the timeline:

According to 'Umar, the Day of 'Arafa in that Pilgrimage was a Friday. Since the Day of 'Arafa is the 9th of Dhū l-Ḥijja, and since the 9th of Dhū l-Ḥijja was Friday, the beginning of Dhū l-Ḥijja was undoubtedly Thursday night. Since the first day of Dhū l-Ḥijja was a Thursday, then obviously the last day of Dhū l-Qa'da was a Wednesday. Since the last day of Dhū l-Qa'da was a Wednesday, and the Prophet left Medina on the 24th of Dhū l-Qa'da, he undoubtedly departed on a Thursday, because there are six nights left of Dhū l-Qa'da after Thursday; they are Friday, Saturday, Sunday, Monday, Tuesday, Wednesday. Wednesday night is the last night of Dhū l-Qa'da, as we mentioned before.¹¹⁵

As for discrepancies in *ḥadīths* relating to this matter, Ibn Ḥazm first addresses 'Ā'isha's testimony, which states: "We departed five [days] before the end of Dhū l-Qa'da (*li-khams baqīna l-Dhī l-Qa'da*).¹¹⁶" The existence of another testimony of 'Ā'isha, that the date of departure was the beginning of Dhū l-Ḥijja, leads Ibn Ḥazm to the following solution: he

¹¹⁴ Ibn Ḥazm, *Hijja*, pp. 62–65, 156. Cf. Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 306. See also Ibn Ḥazm, *Muḥallā*, vol. 7, p. 272.

¹¹⁵ Ibn Ḥazm, *Hijja*, p. 64.

states that since ‘Ā’isha’s versions are incongruous (*muḍṭariba*), in this case he relies only on the congruous versions of Ibn ‘Abbās and ‘Umar. Even so, he does not completely reject ‘Ā’isha’s first version, and reconciles it with the versions he already decided to accept. He explains that the Prophet could not have left Medina on the 25th, which was a Friday, and bases his explanation on Anas b. Mālik’s testimony on the prayer on the day of departure, which was a Noon Prayer of an ordinary day. He then concludes that ‘Ā’isha must have meant that they departed *Dhū l-Hulayfa* on the 25th, and *not Medina*, “and thus all the *ḥadīth* accounts neatly fit one another, and they no longer contradict each other.”¹¹⁶ In sum, Ibn Ḥazm arrives at the conclusion that the Prophet left Medina on a Thursday after combining details from reliable *ḥadīth* material with his own calculations.

Turning now to Ibn Qayyim al-Jawziyya, it is evident that he is deeply affected by Ibn Ḥazm’s methods and argumentation, although his fundamental stance allows the existence of “minor discrepancies” (*ikhtilāf yasīr*) in *ḥadīths* addressing the same subject. When dealing with another matter relating to the Farewell Pilgrimage, both Ibn Taymiyya and Ibn al-Qayyim declare that the companions’ reports are in complete agreement with each other, apart from minor discrepancies which also occur here and there in other *ḥadīths* on various matters.¹¹⁷

In the case of establishing the exact day on which the Prophet left Medina, however, Ibn Qayyim al-Jawziyya does not see any contradiction among the various texts. However, he arrives at a solution that is not too straightforward; in fact, it is quite bewildering. His solution is based on a calculation that regards the month of Dhū l-Qa‘da not as a “complete” month of 30 days, but as a “defective” month of 29 days.

Unlike his usual systematic way of proving his points, Ibn al-Qayyim does not excel in refuting Ibn Ḥazm’s arguments, mainly because he deals with these arguments in two different sections of his book: in a chapter in which he describes the events of the Farewell Pilgrimage, and much later in a chapter entitled “Regarding erroneous claims” (*fī l-awḥām*), in

¹¹⁶ Ibid., pp. 156–157. Thereafter he adds Anas’ testimony that the Prophet went on journeys only on Thursdays, and never on Fridays or Saturdays.

¹¹⁷ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 315 and cf. Ibn Taymiyya, *Majmū‘at al-fatāwā*, vol. 26, p. 38 (“*Bāb al-iḥrām*”). In both texts the authors discuss *tamattu’*, enjoyment of normal life, when stepping out of the state of *iḥrām*. A.J. Wensinck, “Hadjdj,” *Encyclopedia of Islam*. New Edition, vol. 3, pp. 31–37; G. Hawting, “Pilgrimage,” *Encyclopedia of the Qur’ān*, vol. 4, pp. 91–94.

which he enlists a variety of incorrect facts about this pilgrimage, gathered from the writings of Ibn Ḥazm and others, like Muḥibb al-Dīn al-Ṭabarī (d. 694/1295).¹¹⁸

An example of Ibn Qayyim al-Jawziyya's inconsistency is the account, on the authority of 'Umar b. al-Khaṭṭāb, according to which the Day of 'Arafa in the Farewell Pilgrimage was a Friday. This is indeed Ibn Ḥazm's most important textual evidence, on which he bases his proposed timeline. In his attempt to make Ibn Ḥazm's timeline collapse, Ibn al-Qayyim ignores this account altogether. In fact, elsewhere Ibn Qayyim indicates that the Prophet spent Friday night in Minā, the valley near Mecca, and at dawn of the next day set off for 'Arafa.¹¹⁹ Nevertheless, it is evident that Ibn Qayyim al-Jawziyya shares Ibn Ḥazm's view, that the Day of 'Arafa was a Friday.¹²⁰ In the first chapter of *Zād al-Ma'ād* he provides textual evidence for that. In this chapter, discussing some aspects of cosmology, he refers to Friday as the best day of the week, and the Day of 'Arafa as the best day of the year (any year). When the Day of 'Arafa falls on a Friday, the rite of standing (*wuqūf*, *waqfa*) in the plain of 'Arafa has a special blessing, "because it coincides with the day on which the Prophet had stood."¹²¹ This is the day in which God perfected His religion for all worshipers, says Ibn Qayyim al-Jawziyya, quoting Q 5:3: "Today I have perfected your religion for you, and I have completed My blessing upon you, and I have approved Islam for your religion." This verse is set in the same *ḥadīth*, also quoted by Ibn Qayyim al-Jawziyya, in which 'Umar said: "I know the day and the place

¹¹⁸ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, pp. 305–308, pp. 417–423.

¹¹⁹ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 382.

¹²⁰ Ibid., p. 418. Here Ibn Qayyim al-Jawziyya addresses a passage from Muḥibb al-Dīn al-Ṭabarī's work on the Farewell Pilgrimage, in which al-Ṭabarī attacks al-Wāqidi (d. 207/823) for stating that the Day of 'Arafa was a Saturday. After citing this passage, Ibn al-Qayyim does not give his view on the matter; however, it is probable that he shares al-Ṭabarī's critique of al-Wāqidi. Al-Ṭabarī describes the Farewell Pilgrimage in *al-Qirā li-qāsid umm al-qurrā*, and perhaps Ibn al-Qayyim refers to this work. For the relevant passage see Muḥibb al-Dīn al-Ṭabarī, Abū al-'Abbās Aḥmad b. 'Abd Allāh, *al-Qirā li-qāsid umm al-qurrā*, ed. Muṣṭafā al-Saqā, Beirut: n.d., p. 139. Al-Wāqidi does not specifically say that the Day of 'Arafa was a Saturday. Al-Ṭabarī concludes that from al-Wāqidi's assertion that the Day of Tarwiya (the 8th of Dhū l-Ḥijja, a day before the Day of 'Arafa) was a Friday. Al-Wāqidi, *Maghāzī*, vol. 3, p. 1101. It is noteworthy that in the above-mentioned passage Muḥibb al-Dīn refers to Ibn Ḥazm, and even quotes from his *Hijjat al-wadā'*. Al-Ṭabarī, *al-Qirā*, pp. 139–140.

¹²¹ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 21.

in which this verse was revealed. It was revealed to the Prophet in ‘Arafa on a Friday, while we were standing with him there.”¹²²

Ibn Qayyim al-Jawziyya, then, posits two significant dates in his timeline: that the Day of ‘Arafa was a Friday is based on a *ḥadīth* which Ibn Ḥazm accepted before him; that the day of departure from Medina to Mecca was a Saturday is based on Ibn ‘Abbās’s, also accepted by Ibn Ḥazm before him. Nevertheless, Ibn Qayyim al-Jawziyya offers a different interpretation of this account. As for determining the day of departure, another inconsistency is detected in Ibn Qayyim al-Jawziyya’s train of argumentations: when rebutting Ibn Ḥazm’s arguments, Ibn Qayyim al-Jawziyya disagrees that the Prophet set off to Medina on Thursday, the 24th of Dhū al-Qa‘da, but rather on Saturday, the 25th of Dhū l-Qa‘da.¹²³ Still, at the beginning of the chapter, just a few lines before, he states: “He left Medina six days before the end of Dhū l-Qa‘da (the 24th) after having prayed a Noon Prayer of four *rak‘as*.”¹²⁴ Since this obviously contradicts his argumentation, it is evident that it is a slip of the pen.

Ibn Qayyim al-Jawziyya’s argument for the day of departure as Saturday, the 25th of Dhū l-Qa‘da is based on two *ḥadīths*: the first, which he does not bother to cite, specifically states that the day of departure was a Saturday;¹²⁵ the other is Ibn ‘Abbās’s version which sets the date of departure as the 25th of Dhū l-Qa‘da.¹²⁶ Ibn Qayyim al-Jawziyya takes the phrase *li-khams baqīna min Dhī l-Qa‘da* as meaning five days before the end of the month, meaning the 25th:

Our chosen approach is that the same *ḥadīth* explicitly states that he left five [days] before the end of the month: Saturday, Sunday, Monday, Tuesday and Wednesday, which are five [days].¹²⁷

He stops on a Wednesday, because the only way to settle the day of departure as Saturday with the Day of ‘Arafa as Friday is to have only 29 days

¹²² Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 22. Cf. Ibn Taymiyya, *Sharḥ al-‘umda*, vol. 3, p. 506. The account appears in al-Bukhārī, *Ṣaḥīḥ*, vol. 1, p. 33 (*Kitāb al-imān*, bab 31).

¹²³ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 306. Ibn Ḥazm, *Ḥijja*, pp. 46, 64.

¹²⁴ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 305.

¹²⁵ In *Zād*, vol. 1, p. 418, Ibn Qayyim al-Jawziyya says: “He left on Saturday. This is the version al-Wāqidi chose [as correct], and this is the version we preferred in the beginning [of the discussion].” Al-Wāqidi indeed quotes the following, on the authority of Sa‘īd b. Muḥammad b. Jubayr b. Mu‘īn, quoting his father: “The Prophet left Medina on Saturday, five nights before the end of Dhū l-Qa‘da.” Al-Wāqidi, *Maghāzī*, vol. 3, p. 1089.

¹²⁶ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 306.

¹²⁷ Ibid.

Table 2

Date	Day	Special Event
24 Dhū l-Qa'da	Friday	Speaking in a Friday sermon (<i>khuṭba</i>) in Medina, the Prophet notifies the people that he intends to make the Pilgrimage and also explains about the state of ritual consecration (<i>iḥrām</i>).
25 Dhū l-Qa'da	Saturday*	The Prophet leaves Medina after having prayed the Noon Prayer (<i>ẓuhr</i>) of four <i>rak'as</i> . He arrives at Dhū l-Ḥulayfa, there he prays the Afternoon Prayer (<i>ʿaṣr</i>), the prayer following the setting of the sun (<i>maghrib</i>), and the Evening Prayer (<i>ʿishāʾ</i>). He spends the night in Dhū l-Ḥulayfa.
26 Dhū l-Qa'da	Sunday	The Prophet prays the Morning Prayer (<i>ṣubḥ</i>) and the Noon Prayer in Dhū l-Ḥulayfa, and then leaves the place.
27 Dhū l-Qa'da	Monday	The month ends.
28 Dhū l-Qa'da	Tuesday	
29 Dhū l-Qa'da	Wednesday*	
1 Dhū l-Ḥijja	Thursday	The Prophet spends the night at Dhū Ṭuwā, a valley near Mecca.
2 Dhū l-Ḥijja	Friday	
3 Dhū l-Ḥijja	Saturday	
4 Dhū l-Ḥijja	Sunday	The Prophet arrives in Mecca
5 Dhū l-Ḥijja	Monday	
6 Dhū l-Ḥijja	Tuesday	
7 Dhū l-Ḥijja	Wednesday	
8 Dhū l-Ḥijja	Thursday	
9 Dhū l-Ḥijja	Friday*	
		The Day of 'Arafa

in Dhū l-Qa'da. Using the same *ḥadīths* that Ibn Ḥazm used, Ibn Qayyim al-Jawziyya offers a different timeline. The above table is based on his suggestion.

Ibn Qayyim al-Jawziyya's timeline starts on a Friday, while Ibn Ḥazm's timeline starts on a Thursday. The two timelines are incompatible in reference to the 11th month, which is Dhū l-Qa'da. But in the 12th month, Dhū l-Ḥijja, the timelines suggested by both scholars are identical. The only way to achieve this is, as Ibn Qayyim al-Jawziyya does, to take the 11th month as a "defective" month of 29 days. This solution is quite far-fetched, because it is customary that odd months, like Dhū l-Qa'da, are "complete" months of 30 days, while even months, like Dhū l-Ḥijja are "defective" months of 29 days. Following his rationale and calculations, then, Ibn Qayyim al-Jawziyya arrives at this solution independently,

apparently without drawing inspiration from any known source, apart from Ibn Ḥazm's attempt to reconcile the contradictory *ḥadīths*.¹²⁸

That Ibn Ḥazm is Ibn Qayyim al-Jawziyya's only source of inspiration is obvious from the lengthy explanation the latter gives to his proposed solution. He sincerely tries to understand how Ibn Ḥazm arrived at his timeline, and concludes, that it was a misunderstanding on Ibn Ḥazm's part. Ibn al-Qayyim explains that when reading *li-khams baqīna min Dhī l-Qa'da*, Ibn Ḥazm took the cardinal number *khams* (five) as denoting a feminine noun. Since *yawm* (day) is masculine, he decided that the number here refers to *layla* (night), which is a feminine noun. Ibn Qayyim al-Jawziyya's elaboration on this point provides the best example for his understanding Ibn Ḥazm's calculations and considerations:

He (i.e. Ibn Ḥazm) took it as five nights left before the end of the month, which is only possible if the day of departure is a Friday. Because if the day of departure was a Saturday, it would have been four nights before the end of the month and this turns his argumentation against him. If the day of departure was a Thursday, it would not have been five nights before the end of the month, but six nights. That is what compelled him to attribute the departure in the above-mentioned date to Dhū l-Ḥulayfa. However, this is hardly needed, since it is possible that Dhū l-Qa'da was incomplete (*idh min al-mumkin an yakūna shahru Dhī l-Qa'da kāna nāqishan*).¹²⁹

The last sentence is meant to come to Ibn Ḥazm's rescue and to give him an exit from his misreading.

Which of the two scholars was correct? Was the 24th of Dhū l-Qa'da a Thursday, as Ibn Ḥazm claims, or a Friday, as Ibn Qayyim al-Jawziyya claims? Was Dhū l-Qa'da indeed a month of 29 days? According to the conventional date converters, the 24th of Dhū l-Qa'da in the year 10 AH was a Friday. Also, Dhū l-Qa'da that year was indeed a month of 30 days.¹³⁰ In which case, Ibn Ḥazm is correct in his calculations. Ibn Qayyim al-Jawziyya's bold attempt seemed to be smashed on the rocks of Ibn Ḥazm's ingenuity and thorough scholarship. Still, it is quite an impressive attempt. Ignoring here any modern means of calculating, both scholars seem

¹²⁸ Since Ibn Qayyim al-Jawziyya uses Muḥibb al-Dīn al-Ṭabarī's work, it is possible that he based his idea of refuting Ibn Ḥazm on this work. Al-Ṭabarī disagrees Ibn Ḥazm on the issue in question, without, however, giving any solution or suggesting a timetable. Al-Ṭabarī, *al-Qirā*, p. 91.

¹²⁹ Ibn Qayyim al-Jawziyya, *Zād*, vol. 1, p. 307.

¹³⁰ I used the following sources: Freeman-Grenville, *The Muslim and Christian Calendars*; Mayr and Spuler, *Wüstenfeld-Mahler'sche Vergleichungs-Tabellen*; "Conversion of Islamic and Christian Dates."

convincing in their argumentations. A nice example for this is the stances taken by Ibn Kathīr (d. 774/1373). In one of his *sīra* works, he adopts the timeline of Ibn Ḥazm,¹³¹ while in a chapter dedicated to the Farewell Pilgrimage in his monumental *al-Bidāya wal-nihāya* he adopts Ibn Qayyim al-Jawziyya's solution after attacking Ibn Ḥazm's view.¹³² Obviously, even Ibn Kathīr could not decide who was correct.

Zād al-ma'ād, which is abundant in examples of Ibn Qayyim al-Jawziyya's debt to Ibn Ḥazm, should be read simultaneously with *Ḥijjat al-wadā'ī*. This parallel reading demonstrates both scholars' extreme efforts to draw information from what seem to be scattered and incoherent historical evidence, and recreate a vivid and accurate picture of the past.

CONCLUSION

Ibn Taymiyya and Ibn Qayyim al-Jawziyya were familiar with the literary output of Ibn Ḥazm, and both are indebted to him, and especially to his *magnum opus*, *al-Faṣl fī l-mīlāl wa-l-nihāl*, which they constantly consulted and to which they referred many a time in their writings. Still, Ibn Ḥazm's contribution to Ibn Taymiyya was limited. Occasionally quoting Ibn Ḥazm and refuting his controversial opinions, the innovative and brilliant Ibn Taymiyya did not study Ibn Ḥazm systematically as he did Fakhr al-Dīn al-Rāzī.¹³³ In Ibn Taymiyya's eyes, Ibn Ḥazm is one of several prominent scholars, but by no means the most important one, whose teachings should be dealt with cautiously.

Ibn Qayyim al-Jawziyya's case is quite different. As a humble scholar, whose intellectual output is dedicated to interpreting Ibn Taymiyya's writings, Ibn Qayyim al-Jawziyya seems to have found exciting new topics to explore in Ibn Ḥazm's writings. His thirst for love, beauty and poetry was undoubtedly refreshed by Ibn Ḥazm's exquisite *Tawq al-ḥamāma*. No doubt *al-Faṣl* was important to Ibn Qayyim al-Jawziyya at the beginning of his writing career, as it served as a basis for his first mature monograph, *Kitāb al-Rūḥ*. In his old age, writing his masterpiece *Zād al-ma'ād*, he takes

¹³¹ Ibn Kathīr, *Fuṣūl*, p. 216.

¹³² Ibn Kathīr, *Bidāya*, vol. 5, p. 107. As noted above in n. , the chapter on the Farewell Pilgrimage was also published separately as an independent work: the editor adds in a footnote that Ibn Kathīr's view is identical to Ibn Qayyim al-Jawziyya's treatment on the subject as it appears in *Zād al-ma'ād*. Ibn Kathīr, *Ḥijjat al-wadā'ī*, pp. 25–29, at p. 29 n. 1.

¹³³ Ibn Taymiyya's debt to Fakhr al-Dīn al-Rāzī was examined in Shihadeh, *Teleological Ethics*; and Hoover, *Ibn Taymiyya's Theodicy*.

Ibn Ḥazm's *Ḥijjat al-wadā'* and examines it, paragraph by paragraph. This examination yields a dialogue with Ibn Ḥazm, in which Ibn Taymiyya's influence is almost not evident.

Ibn Qayyim al-Jawziyya's humility as a scholar enables him to systematically and patiently read Ibn Ḥazm, an endeavor that Ibn Taymiyya never undertook. It is Ibn Qayyim al-Jawziyya's business to understand exactly how Ibn Ḥazm reached this conclusion or the other. He speculates on Ibn Ḥazm's readings, as though he is conversing and arguing with him. When he refutes Ibn Ḥazm in very emotional language, it is clear that as much as Ibn Ḥazm's controversial opinions make him angry, they are nevertheless stimulating and challenging. Ibn Qayyim al-Jawziyya's thoroughness dictates a method of citation- refutation of the Ḥazmian text. Ibn Qayyim al-Jawziyya's literal creativity molds his "dialogue" with Ibn Ḥazm vividly and enthusiastically.

Ibn Ḥazm enriched the Jawziyyan hermeneutics and enabled Ibn al-Qayyim to develop his original ideas and vocabulary, as is reflected in one of the latter's later works, *Tuḥfat al-mawdūd*. It seems that under the guise of rejection, Ibn Qayyim al-Jawziyya willingly accepted Ibn Ḥazm's methodology, and sometimes his opinions.

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IBN ḤAZM SELON CERTAINS SAVANTS SHĪ'ITES¹

Hassan Ansari

De nos jours Ibn Ḥazm (m. 456/1064) fait figure de savant réputé parmi les érudits shī'ites, pourtant avant l'époque safavide ni lui, ni ses œuvres n'étaient connus². Même si les shī'ites imāmītes étaient considérablement critiqués par Ibn Ḥazm, notamment dans son *al-Fiṣal fī l-milal wa-l-ahwā' wa-l-niḥal*, ils n'ont découvert Ibn Ḥazm et ses œuvres que plus tardivement. En réalité, rien ne nous permet d'établir qu'avant la période safavide et plus précisément avant l'onzième siècle de l'hégire, les shī'ites imāmītes mentionnaient Ibn Ḥazm, ses idées ou ses œuvres, ni ne faisaient allusions à ses critiques envers les shī'ites. C'est ainsi que les savants shī'ites ne l'ont découvert au même titre que ses œuvres que depuis environ quatre siècles seulement³. Cette prise de conscience s'est surtout faite à partir du livre *al-Fiṣal*⁴, dont une partie, on le sait, concerne la scission et les ramifications des courants shī'ites et ses commentaires au sujet des idées et des racines de la pensée shī'ite, y compris imāmīte. C'est pour cette raison que les savants shī'ites ont témoigné une attention particulière à Ibn Ḥazm et à son livre ; pour s'opposer concrètement aux idées, aux récits et aux thèmes qu'Ibn Ḥazm avait développés contre les shī'ites.

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² À quelques exceptions près, voir 'Alī b. 'Isā al-Irbilī, *Kashf al-ghumma*, Beyrouth 1405/1985, vol. 1, p. 14 ; voir aussi Hassan Ansari et Sabine Schmidtke, *The Reception of al-Shaykh al-Ṭūsī's Theological Writings in 6th/12th century Syria, Facsimile edition of 'Abd al-Raḥmān b. 'Alī b. Muḥammad al-Ḥusaynī's (d. 582/1186) commentary on al-Ṭūsī's Muqaddima* (MS Atif Efendi 1338/1), p. 92 = f. 32b (« Ibn Ḥazm al-Andalusī al-Mantiqī »), aussi introduction, p. xxi–xxii, n° 91.

³ Voir par exemple, al-Shaykh al-Bahā'ī, *al-Kashkūl*, Beyrouth 1403/1982–3, vol. 2, p. 103 ; Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār*, Beyrouth 1403/1983, vol. 31, p. 38 ; vol. 40, p. 228 (citant *Muḥallā* d'Ibn Ḥazm) ; voir aussi vol. 60, p. 35 ; 'Alī Khān al-Madanī, *al-Tirāz al-awwal wa-l-kināz limā 'alayh min lughat al-'arab al-mu'awwal*, Mashhad 1384[2005], vol. 7, p. 244 ; Aḥmad al-Narāqī, *Rasā'il wa-masā'il*, Qum 1380/2001, vol. 2, p. 250. Il faut mentionner ici également Muḥammad 'Alī Ḥazīn Lāhijī (m. 1180/1766–7) qui a, dans son livre *Faṭḥ al-subul* (éd. Naṣir Bāqirī Bidhindi, Qum, 1375/1996), bénéficié d'Ibn Ḥazm et de certains ses livres comme *Muḥallā*, particulièrement pour critiquer les savants et les autorités sunnites comme Abū Ḥanīfa ; voir *Faṭḥ al-subul*, p. 127, 131–137.

⁴ Pour ce livre voir Josef van Ess, *Der Eine und das Andere : Beobachtungen an islamischen häresiographischen Texten*, Berlin 2011, vol. 2, p. 836–856 ; Majīd Khalaf Munshid, *Ibn Ḥazm al-Andalusī wa-manhajuh fī dirāsāt al-'aqā'id wa-l-firaq al-islāmīyya*, Beirut 1422/2002.

Son discours concernant les influences des zoroastriens (*majūs*) sur les idées shī'ites témoigne du sérieux des attaques d'Ibn Ḥazm contre les shī'ites. Selon lui, certains courants shī'ites tirent leur influence d'une manière ou d'une autre, de la réaction négative des mazdéennes face à l'islam. Il considère que les iraniens (*furs*) vaincus par l'islam, n'ont pas pu s'accorder à cette nouvelle religion, utilisant le shī'isme et leur amitié pour la famille du prophète (*ahl al-bayt*) afin d'attirer les shī'ites à eux et les faire sortir progressivement de l'islam⁵. Il considère également que le shī'isme est influencé par le judaïsme et il essaie de convaincre de son interprétation en accusant certains courants shī'ites d'avoir reçu leurs idées de la confession juive, en insistant tout particulièrement sur leurs racines judaïques⁶. Ces opinions concernant les shī'ites et ce type de propagande des savants sunnites à leur égard, ont toutefois des antécédents plus anciens et ne se limitent bien évidemment pas à Ibn Ḥazm.

Quoique la manifestation de ces attaques et le point de vue anti-shī'ites dans les différents courants sunnites et même mu'tazilites aient toujours existés, et plus ou moins deux siècles avant Ibn Ḥazm dans les sources existantes, ce type de discours hostile est bien visible⁷, Ibn Ḥazm, en effet est

⁵ Ibn Ḥazm, *al-Fiṣal fī l-mīlāl wa l-ahwā' wa l-nihāl*, [Cairo] 1347/1928, vol. 2, p. 91; voir aussi Riḍā Mukhtārī, « Ibn Ḥazm wa ra'yuh fī islām al-furs », *Ġam'-'e parišān*, Qum 1391/2012, article n° 36; cf. Ahmed B. Agaëff, « Les croyances mazdéennes dans la religion chiite », *Transactions of the Ninth International Congress of Orientalists*, Londres 1893, p. 505–514; Henri Corbin, *Corps spirituel et Terre céleste. De l'Iran mazdéen à l'Iran shi'ite*, Paris 1979.

⁶ Ibn Ḥazm, *Fiṣal*, vol. 1, p. 108, 164; vol. 2, p. 33, 65, 91; vol. 4, p. 138. Sur la ressemblance entre les *Rāfiḍa* et les juifs, voir Meir Litvak, « 'More harmful than the Jews': Anti-Shi'i polemics in modern radical Sunni discourse », *Le shī'isme imāmīte quarante ans après: Hommage à Etan Kohlberg*, éd. Muhammad Ali Amir-Moezzi, Meir M. Bar-Asher and Simon Hopkins, Paris 2008, p. 285–306; Isaac Hasson, « Les šī'ites vus par les néo-wahhābites », *Arabica* 53 (2006), p. 299–330; voir aussi 'Abd Allāh al-Jamīlī, *Baḍl al-majhūd fī ithbāt mushābahat al-Rāfiḍa li-l-Yahūd* 1–2, Médine 1994.

⁷ Pour une brève histoire de cette littérature, voir 'Abd al-'Azīz al-Ṭabāṭabā'ī, « Mawqif al-shī'a min hajamāt al-khuṣūm », *Turāthunā* 2 i (1407/1986), p. 32–61; Muḥsin al-Amīn, *Āyān al-shī'a 1–n*, Beyrouth 1403/1983, vol. 1, p. 30–87; 'Alī al-Ḥusaynī al-Milānī, *Istikhraj al-marām min istiṣā' al-ifḥām*, Qum 1425/2004, vol. 1, p. 61ff; voir aussi Etan Kohlberg, « 'Alī b. Mūsā ibn Ṭāwūs and his Polemic against Sunnism », *Religionsgespräche im Mittelalter*, éd. Bernard Lewis et Friedrich Niewöhner, Wiesbaden 1992, p. 325–50; Asma Afsaruddin, *Excellence and Precedence: Medieval Islamic Discourse on Legitimate Leadership*, Leyde 2002; eadem, « The Epistemology of Excellence: Sunni-Shi'i Dialectics on Legitimate Leadership », *Speaking for Islam: religious authorities in Muslim societies*, éd. Gudrun Krämer et Sabine Schmidtke, Leyde 2006, p. 49–69; Henri Laoust, « La critique du sunnisme dans la doctrine d'al-Ḥillī », *Revue d'études islamiques* 39 (1966), p. 35–60; idem, « Les fondements de l'imamat dans le *Minhāḡ* d'al-Ḥillī », *Revue d'études islamiques* 46 (1978), p. 3–56; Tariq al-Jamil, « Ibn Taymiyya and Ibn al-Muṭahhar al-Ḥillī: Shi'i Polemics and the Struggle for Religious Authority in Medieval Islam », in *Ibn Taymiyya and his Times*. éd. Yossef Rapoport and Shahab Ahmed, Oxford University Press, 2010, p. 229–247.

une exception. Malgré des exemples similaires dans la littérature de l'hérésiographie comme *al-Milal wa-l-niḥal* d'al-Shahrastānī (m. 548/1153-4)⁸, toutefois, on ignore les raisons de l'hostilité manifeste du ton d'Ibn Ḥazm contre les shī'ites. Son *Fiṣal*, en effet, est très critique à leur égard⁹. L'une des causes est peut être due à la propagation du califat fatimide et des idées *bāṭinīs* de son époque qui obligèrent les savants sunnites d'Orient et du *maghrib* musulman, et même ceux d'Andalousie à réagir avec force aux accusations contre les courants shī'ites¹⁰. Nous savons qu'il existait en Andalousie une sorte de courants anti-shī'ites de la part des savants de ce pays. Les réactions d'Ibn Ḥazm furent, plus ou moins, à l'image de son environnement andalou où les shī'ites étaient fortement critiqués. Toutefois l'Andalousie avait expérimenté à l'époque d'Ibn Ḥazm et avant lui des branches et des tendances shī'ites dans des courants religieux¹¹. Mais de fait, il n'existait pas suffisamment de moyens permettant de les connaître objectivement et sans préjugés. Abū Bakr Ibn al-ʿArabī (m. 543/1148-9) en fournit un exemple saillant et relativement contemporain d'Ibn Ḥazm, en particulier dans son *al-ʿAwāṣim min al-qawāṣim*. Le célèbre savant mālikī andalou adresse de lourdes critiques envers les shī'ites, allant

⁸ Pour la littérature de l'hérésiographie, voir van Ess, *Der Eine und das Andere*.

⁹ Voir Israel Friedländer, « The Heterodoxies of the Shiites in the presentation of Ibn Ḥazm », *Journal of the American Oriental Society* 28 (1907), p. 1-80; 29 (1908), p. 1-183; idem, *The Heterodoxies of the Shiites according to Ibn Ḥazm*, New Haven 1909.

¹⁰ Pour ce sujet et en ce qui concerne l'Andalousie, voir Maribel Fierro, *La heterodoxia en al-Andalus durante el periodo omeya*, Madrid 1987; eadem, « ʿAbd al-Raḥman III frente al califato fatimī y el reino astur-leonés : campañas militares y procesos de legitimación político-religiosa », *Rudesindus. « San Rosendo. Su tiempo y su legado »*. *Congreso Internacional Mondoñedo, Santo Tirso (Portugal) e Celanova, 27-30 junio 2007*, Santiago de Compostela 2009, p. 30-50; eadem, « Emulating Abraham : the Fatimid al-Qā'im and the Umayyad ʿAbd al-Raḥman III », *Public violence in Islamic societies : Power, discipline and the construction of the public sphere (7th-19th centuries CE)*, éd. Christian Lange et Maribel Fierro, Édimbourg 2009, p. 130-155; eadem, « ¿Hubo propaganda fatimī entre los Kutāma andalusíes? » *Al-Qanṭara* 25 (2004), p. 239-243; Paul Walker, « The Identity of one of the Ismaili *Dāʿīs* sent by the Fatimids to Ibn Ḥafṣūn », *Al-Qanṭara* 21 (2000), p. 387f.; V. Martínez Enamorado, « Fāṭimid Ambassadors in Bobastro : Changing Religious and Political Allegiances in the Islamic West », *Journal of the Economic and Social History of the Orient* 52 (2009), p. 267-300; Heinz Halm, « La réfutation d'une note diplomatique du calife ʿAbdarrahmān III par la cour du calife Fatimide al-Muʿizz », *Saber religioso y poder político en el Islam*. *Actas del Simposio Internacional (Granada, 15-18 Octubre 1991)*, Madrid 1994, p. 117-125.

¹¹ Voir l'introduction de l'éditeur de Muḥammad b. ʿAbd Allāh Ibn al-Abbār, *Durar al-simṭ fi khabar al-sibṭ*, éd. ʿIzz al-Dīn ʿUmar Musā, Beyrouth 1407/1987, p. 27ff.; ʿAbd al-Salām al-Harrās et S.A. A'rāb, « Min adab al-tashayyu' bi-l-Andalus : *Durar al-simṭ fi khabar al-sibṭ* li-bn Abbār al-Andalusī », *Majallat al-Mawsim* 13 (1413), p. 155-214; M. ʿA. Makki, « al-Tashayyu' fi l-Andalus », *Revista del Instituto Egipcio de Estudios Islámicos* 2 (1373/1953-4), p. 93-149; Kāzim Shamhūd al-Ṭāhīr, *al-Shi'a fi l-Andalus, al-Khilāfa al-ḥammūdiyya al-ʿalawīyya*, Bagdad/Beyrouth 1431/2010.

jusqu'à donner raison à Yazīd b. Mu'āwiya, le deuxième calife umayyade (r. 60–4/680–3) au sujet de la confrontation entre al-Ḥusayn b. 'Alī, le troisième imām shī'ite et lui qui se solda par le meurtre tragique de l'imām et de ses compagnons au 'Āshūrā' le 10 Muḥarram 61/Octobre 680 à Karbalā'. Il considère que l'acte était suscité par l'interprétation religieuse (*ta'wīl*) du calife¹². Cette attitude remonte à l'époque de la dynastie des califes fatimides au Maghreb, affrontant les sunnites mālikites et à l'ambiance conflictuelle entre les deux partis¹³.

Quoique pour la période plus ancienne, nous disposons de nombreux livres écrits par les shī'ites en arabe ou encore en persan, et dans lesquels ils répondent aux critiques exprimées par leurs adversaires en s'opposant et en discutant les idées sunnites, cependant dans aucun cas, à ma connaissance, ils ne font pas allusion à Ibn Ḥazm dans leurs écrits. Ceci prouve bien que les sunnites, ceux qui en effet étaient connus par les shī'ites pour leur critiques envers le shī'isme n'ont pas fait allusion à Ibn Ḥazm et à ses propos anti-shī'ites de telle sorte qu'ils puissent attirer particulièrement l'attention des shī'ites. Il est évident qu'à cause du manque de contact entre les shī'ites imāmites et l'Andalousie, là où apparaît et prospère Ibn Ḥazm, ils ne le connaissaient pas particulièrement. Mais visiblement les sunnites qui étaient en relation directe avec les imāmites dans les villes de Khurāsān, de Rayy, de Bagdad et de la Syrie n'avaient, eux non plus, pas particulièrement profité des points de vue d'Ibn Ḥazm dans leurs critiques contre les shī'ites et ceci explique pourquoi les imāmites au fil des siècles ignorent pratiquement tout d'Ibn Ḥazm¹⁴.

¹² Pour lui, voir 'Ammār al-Ṭalībī, *Ārā' Abī Bakr Ibn al-'Arabī al-kalāmiyya*, Algérie 1394/1974. Par contre Ibn Ḥazm critique fortement certains des califes parmi des *Banī Umayya* et notamment Yazīd b. Mu'āwiya pour ses comportements, spécialement pour le meurtre de Ḥusayn b. 'Alī, voir Ibn Ḥazm, « al-Risāla al-bāhira fī l-radd 'alā ahl al-aqwāl al-fāsida, » éd. Muḥammad al-Ma'sūmī, *Majallat majma' al-lughā al-'arabiyya* 64 (1409/1988–9), p. 29; idem, *al-Muḥallā bi-l-āthār*, Beyrouth s.d., vol. 11, p. 147, 335; idem, « Asmā' al-khulafā' wa-l-wulāt wa-dhikr mudadhihim, » *Rasā'il Ibn Ḥazm al-Andalusī* 1–4, éd. Ihsān 'Abbās, Beyrouth 2007, vol. 2, p. 140.

¹³ Voir Wilferd Madelung, « The Religious Policy of the Fatimids toward their Sunni Subjects in the Maghrib, » *L'Egypte fatimide, son art et son histoire : Actes du colloque organisé à Paris les 28, 29 et 30 mai 1998*, éd. Marianne Barrucand, Paris 1999, p. 97–104.

¹⁴ Cependant Ibn Taymiyya dans son *Minhāj al-sunna al-nabawiyya* (9 vols., éd. Muḥammad Rashād Sālim, Riyad 1406/1986) qui est en effet une réponse au livre *Minhāj al-karāma fī ma'rifa al-imāma* d'al-'Allāma al-Ḥillī (m. 726/1325), le célèbre savant imāmite cite Ibn Ḥazm, voir *Minhāj*, vol. 2, p. 217, 220; vol. 7, p. 320. Il est intéressant à dire ici que dans un livre rédigé, apparemment au Mécque par un savant imāmī de la moitié du 8/14 siècle en réponse au livre d'Ibn Taymiyya, l'auteur qui reste jusqu'au présent anonyme cite, dans plusieurs occasions Ibn Ḥazm, mais il semble qu'il le cite par l'intermédiaire d'Ibn Taymiyya; voir anonyme, *al-Insāf fī l-intisāf li ahl al-ḥaqq min ahl al-isrāf*, Ms. Astān quds,

D'autre part, il est intéressant d'évoquer ici le fait qu'Ibn Ḥazm lui-même, en tant que jurisconsulte de l'école zāhirite et ayant sa propre vision du *kalām*, était particulièrement opposé aux mālikites, aux ash'arites et aux mu'tazilites également¹⁵. Ses critiques contre les sunnites¹⁶ auraient donc pu être citées par des savants imāmites, notamment dans certains propos qu'Ibn Ḥazm avait ouvertement défendus¹⁷. Nous savons de ce fait qu'Ibn Ḥazm lui-même était critiqué par des savants mālikites andalous pour ses attachements doctrinaux et juridiques et ses critiques envers les savants et les courants sunnites¹⁸. Ainsi, un certain nombre de sujets pour lesquels Ibn Ḥazm fut fortement critiqué de la part des savants sunnites, sont des sujets pour lesquels son opinion est soit identique, soit très

n° 367 *kalām* (# 5643), ff. 22a, 25a, 172a, 178b ; pour ce livre voir mon article : « Raddiyya nevisi bar Ibn Taymiyya dar makka yi sade yi haštom yi qamarī, » dans Hassan Ansari, *Barresihāye tārihi dar ḥawze ye islām wa tašayyu' : maǧmū'e ye nawad maqāle wa yaddāšt [Historical Studies on Islam and Shī'ism]*, Téhéran, Ketābhāne, mūze wa markaz yi asnād yi majles yi šūrāy yi islāmī, 1390/2012, p. 403–414.

¹⁵ Voir 'Abd al-Raḥmān al-Dimashqīyya, *Mawqif Ibn Hazm min al-madhhab al-ash'ari kamā fi Kitāb al-Fiṣal fi l-milal wa-l-niḥal, wa-ma'hu muqaddama 'ilmiyya ḥawla mawqif 'ulamā' ākharūn min al-madhhab al-ash'ari*, Riyad 1418/1997 ; Sa'ūd b. Šālih al-Sarḥān, *Arbāb al-kalām : Ibn Ḥazm yujādilu l-Mu'tazila*, Beirut 1431/2010 ; Sālim Yafūt, « Ibn Ḥazm wa-naqd manhaj al-mutakallimīn, » *Majallat dirāsāt 'arabiyya* 10–11 (1985), p. 40–69 ; idem, « Naqd 'ilm al-kalām bayn Ibn Ḥazm wa-l-Ḥanābila, » *al-Manāhil* 68 (2003), p. 43–82.

¹⁶ Pour ses critiques contre les *madhāhib* sunnites, voir Ibn Ḥazm, « al-Risāla al-bāhira, » p. 3–78 ; aussi Abdel-Magid Turki, *Polémique entre Ibn Hazm et Bāǧī sur les principes de la loi musulmane. Essai sur le littéralisme zahirite et la finalité malikite*, Algiers 1973 ; Muḥammad Šālih Mūsā Ḥusayn, *Ibn Ḥazm wa-l-masā'il allatī khālaḥa fihā al-jumhūr fi l-'aqā'id wa-l-uṣūl wa-l-'ibādāt : fiqh muqāran*, Libya 1995 ; 'Abd al-Muḥsin b. Muḥammad al-Rayyis, *Ta'šīl mā ankarahu Ibn Ḥazm 'alā l-fuqahā' min khilāl kitābihi al-Iḥkām*, Riyad 1424/2004.

¹⁷ Pour les critiques d'Ibn Ḥazm en ce qui concerne des *ḥadīths* sunnites, voir Ahmet Demirci, *La critique du Hadith chez Ibn Hazm de Cordoue*, PhD dissertation, Paris 1982 ; Ibrāhīm b. Muḥammad b. Maṣṣūr al-Šabāḥī, *Naqd Ibn Ḥazm li-l-ruwāt fi l-Muḥallā fi mizān al-jarḥ wa-l-ta'dīl* 1–2, Ph.D. dissertation, Jāmi'at al-Imām Muḥammad b. Sa'ūd al-Islāmiyya, Riyad 1405–06/1984–85. Pour ses propos concernant les *ṣaḥāba*, voir Muḥammad al-Ra'ūd, « Al-ṣaḥāba allatī takallam fihim Ibn Ḥazm : dirāsa taṭbiqīyya 'alā kitābih *al-Muḥallā*, » *Dirāsāt : ulūm al-sharī'a wa-l-qānūn* 28 (2001), p. 457–483 ; cf. Etan Kohlberg, « Some Imāmi Shī'ī Views on the *ṣaḥāba*, » *Jerusalem Studies in Arabic and Islam* 5 (1984), p. 143–175.

¹⁸ Voir Samīr al-Qaddūrī, « Kitāb al-Tanbīh 'alā shudhūd Ibn Ḥazm, ta'līf al-qāḍī Abī al-Aṣbagh 'Isā b. Sahl al-Jayyānī (t. 486/1093), » *al-Dhakhā'ir* 15–16 (2003), p. 95–108 ; idem, « al-Mu'allafāt al-andalusiyya wa-l-maghribiyya fi l-Radd 'alā Ibn Ḥazm al-Zāhirī : dirāsa tārikhiyya wa-bibliyūghrāfiyya, » *al-Dhakhā'ir* 11–12 (2002), p. 166–205 ; idem, « Makhtūṭa andalusiyya farīda fi l-Radd 'alā Ibn Ḥazm al-Andalusī, » *al-Dhakhā'ir* 5 (2001), p. 239–256 ; idem, « al-Rudūd 'alā Ibn Ḥazm bi-l-Andalus wa-l-Maghrib min khilāl mu'allafāt 'ulamā' al-Mālikiyya, » *al-Aḥmadiyya* 13 (2003), p. 271–346 ; voir aussi Muḥammad Bāqashish Abū Mālik, « Ibn Ḥazm al-Andalusī fi mizān 'ulamā' al-jarḥ wa-l-ta'dīl, » *Ibn Ḥazm al-Andalusī : al-manhaj wa-l-ma'rifa*, éd. Sa'ūd Benkarroum, Muḥammadiyya [Casablanca] 2005, p. 127–155.

proche de celle des shī'ites imāmītes¹⁹. Cependant malgré cela, à cause de leur méconnaissance d'Ibn Ḥazm jusqu'au milieu de la période safavide, il n'existe rien qui le prouverait. Manifestement, le premier auteur parmi les savants shī'ites imāmītes qui citait Ibn Ḥazm et connaissait certaines de ses œuvres, fut Qāḍī Nūr Allāh al-Mar'ashī (m. 1019/1610–11), qui dans ses livres avait cité non seulement *al-Fiṣal* mais aussi, en réponse aux débats des sunnites contre les shī'ites, il cite *al-Muḥallā* d'Ibn Ḥazm²⁰. Par ailleurs, Qāḍī Nūr Allāh, lui aussi a rédigé un extrait d'*al-Muḥallā*²¹, il a vécu l'essentiel de sa vie en Inde et avait probablement fait la connaissance d'Ibn Ḥazm par l'intermédiaire de savants sunnites²².

Ibn Ḥazm resta pourtant inconnu des savants imāmītes même jusqu'au 13^{ème} /19^{ème} siècle. À partir de cette époque, en effet, les critiques des shī'ites imāmītes d'Iran, d'Irak et d'Inde envers Ibn Ḥazm se multiplient progressivement. D'autre part les références aux *Fiṣal* d'Ibn Ḥazm rejetant les idées shī'ites par les savants sunnites, augmente tous les jours de même que la popularité. Ici même, il faut mentionner qu'en dépit des centaines de livres et de chapitres rédigés par les savants sunnites, c'est-à-dire parmi les savants des *madhāhib arba'a* en opposition au shī'isme, dans de nombreux écrits contemporains sunnites contre le shī'isme, les références à Ibn Ḥazm et à son *Fiṣal* ainsi qu'à ses propos contre le shī'isme sont abondantes²³. Naturellement l'édition d'*al-Fiṣal* et pour la première

¹⁹ Voir infra.

²⁰ Voir Qāḍī Nūr Allāh al-Mar'ashī, *Iḥqāq al-ḥaqq wa-izhāq al-bāṭil*, Qum 1409/1988–9, vol. 1, p. 101, 481, citant *al-Milal wa-l-niḥal* (*Fiṣal*); vol. 2, p. 499 citant *Muḥallā*; idem, *Maṣā'ib al-nawāṣib fī l-radd 'alā nawāqid al-rawāfiq*, éd. Qays al-'Aṭṭār, Qom 1429/2008, vol. 1, p. 120 et 266 citant encore *al-Milal wa-l-niḥal* d'Ibn Ḥazm; idem, *al-Ṣawārim al-muḥriqa fī naqd al-ṣawā'iq al-muḥriqa*, éd. J. Muḥaddith, Téhéran 1367/1988, p. 4, 82 (citant *Muḥallā*), 86, 138, 151, 227. Al-Majlisī aussi cite Ibn Ḥazm pour cette raison; voir *Biḥār*, vol. 35, p. 407.

²¹ Voir Āghā Buzurg al-Ṭihirānī, *al-Dharī'a ilā taṣānif al-shī'a* 1–25, Beyrouth 1403–06/1983–86, vol. 22, p. 433 # 7753.

²² Pour lui, voir l'introduction de l'éditeur de son livre *al-Ṣawārim al-muḥriqa*.

²³ Pour les polémiques sunnī-shī'ī au 19^{ème} et 20^{ème} siècles en Iran, Irak, Syrie et en Inde, voir Ofra Bengio and Meir Litvak (éds.), *The Sunna and Shi'a in History Division and Ecumenism in the Muslim Middle East*, Londres 2011; Rainer Brunner, *Islamic Ecumenism in the 20th Century. The Azhar and Shiism between Rapprochement and Restraint*, Leyde 2004; Werner Ende, « Sunniten und Schiiten im 20. Jahrhundert, » *Saeculum* 36 (1985), p. 187–200; idem, *Arabische Nation und Islamische Geschichte: Die Umayyaden im Urteil arabischer Autoren des 20. Jahrhunderts*, Beirut 1977; idem, « Sunni Polemical writings on the Shi'a and the Iranian Revolution, » *The Iranian Revolution and the Muslim World*, éd. David Menashri, Boulder 1990, p. 217–228; Sigrid Faath (éd.), *Rivalitäten und Konflikt zwischen Sunniten und Schiiten in Nahost*, Berlin 2010; Sabrina Mervin, *Un réformisme chiite. Ulémas et lettrés du Jabal 'Āmil (actuel Liban-Sud) de la fin de l'Empire ottoman à l'indépendance du Liban*, Paris 2000; voir aussi Nāṣir b. 'Abd Allāh al-Qifārī, *Uṣūl madhhab al-shī'a al-imāmīyya al-ithnā 'ashariyya: 'Arḍ wa-naqd* 1–3, s.l. 1414/1994; idem, *Mas'alat al-taqrib*

fois en Égypte (chez al-Maṭba'a al-adabiyya; 1317–21/1899–1904) contribue, elle aussi à la popularité d'Ibn Ḥazm. En plus de quelques traités rédigés par certains savants imāmītes contre Ibn Ḥazm et en particulier au sujet de son *al-Fiṣal*²⁴, les savants imāmītes également abordent les critiques d'Ibn Ḥazm dans leurs écrits polémiques parfois très influents dans le milieu shī'ite. Le plus remarquable d'entre eux fut 'Abd al-Ḥusayn al-Amīnī, également connu par 'Allāma-yi Amīnī (m. 1390/1970), le célèbre auteur d'*al-Ghadīr fī l-kitāb wa-l-sunna wa-l-adab* qui dans deux chapitres particuliers de son livre répond aux *Fiṣal* et aux arguments saillants d'Ibn Ḥazm contre les shī'ites. Il mentionne de nombreuses parties d'*al-Fiṣal* au sujet du shī'isme et rejette en détail chaque critique²⁵. Son œuvre *al-Ghadīr* est considérée comme l'un des livres les plus marquants de l'histoire contemporaine sur l'imāma, soutenant des enseignements shī'ites²⁶. Dans les livres et les articles parus après *al-Ghadīr*, on observe l'influence des analyses critiques d'al-Amīnī au sujet d'*al-Fiṣal*. Al-Amīnī ne cache pas sa colère contre les remarques d'Ibn Ḥazm. Dans les débats concernant Ibn Ḥazm, et avant tout en se basant sur les propos critiques

bayn ahl al-sunna wa-l-shī'a, Riyad 1413/1993; voir aussi Khalid Sindawi, « *Al-Mustabshirūn*, « Those Who Are Able To See the Light »: Sunnī Conversion to Twelver Shī'ism in Modern Times, » *Die Welt des Islams* 51 (2011), p. 210–234.

²⁴ Parmi ces livres il faut citer (i) *al-Asālib al-khallāba fī rad' Ibn Ḥazm 'an taḥḍil al-ṣaḥāba 'alā l-qirāba* rédigé en 1375/1955–6 par 'Abd al-Wāḥid b. Aḥmad b. Ḥasan al-Muẓaffar al-Najafī; c'est en effet une réponse au livre de Sa'īd al-Afghānī, *Ibn Ḥazm al-Andalusī wa-Risālatuh fī l-mufaḍḍala bayna al-ṣaḥāba* (Damas 1940; il s'agit d'une édition d'une partie d'*al-Fiṣal*); voir 'Alī al-Khāqānī, *Shu'arā' al-Gharī, aw al-Najafīyyāt*, Najaf, 1373/1954 [Qum 1408/1987–88], vol. 6, p. 163; Ja'far Āl Maḥbūba, *Māḍī l-Najaf wa ḥāḍiruhā*, Najaf 1378/1958, vol. 3, p. 368; 'Abd al-Jabbār al-Rifā'ī, *Mu'jam mā kutiba 'an al-rasūl wa-ahl baytiḥ*, Téhéran 1371/1992, vol. 9, p. 335; *Fihristvāra-yi dast-navishtahā-yi Īrān*, éd. Muṣṭafā Dirāyatī, Téhéran 1389/2010, vol. 1, p. 711f.; (ii) *al-Jazm (ou al-Ḥasm) li-Fiṣal Ibn Ḥazm*, par Kāzīm b. Salmān b. Dāwūd al-Kawwāz al-Shimmarī al-Hillī al-Kāzimī (m. 1379/1959–60; pour lui voir Jawād al-Shubbar, *Adab al-ṭaff' aw shu'arā' al-Ḥusayn min al-qarn al-awwal al-hijrī ḥattā l-qarn al-rābi' 'ashar*, Beyrouth 1409/1986, vol. 10, p. 140–143, Āghā Buzurg, *Dharī'a*, vol. 5, p. 104f.; vol. 7, p. 14; vol. 10, p. 177; (iii) *Faḍīḥa (ou Naṣīḥa) al-muṭi'aṣṣibīn* ou encore sous le titre *Hady al-ghāfilīn ilā l-dīn al-mubīn* par Maḥdī b. Šālīḥ al-Kashwān al-Qazwīnī al-Kāzimī (m. 1358/1939), voir Āghā Buzurg, *Dharī'a*, vol. 16, p. 275; vol. 24, p. 183; vol. 25, p. 203.

²⁵ 'Abd al-Ḥusayn al-Amīnī, *al-Ghadīr fī l-kitāb wa-l-sunna wa-l-adab*, Téhéran 1366[1987] [Qum 1416/1995–96], vol. 1, p. 585–608; aussi vol. 3, p. 134–203. Les deux parties sont publiées aussi indépendamment ces dernières années: *Naẓra fī Kitāb al-Fiṣal fī l-mīlāl wa-l-ahwā' wa-l-niḥāl li-bn Ḥazm al-zāhirī*, éd. Muḥammad Ḥassūn, Qum 1416/1995–96.

²⁶ Pour lui, voir *Encyclopaedia Iranica*, vol. 1, p. 955f.; Muḥammad Riḍā Ḥakīmī et Sayyid Ja'far Shahīdī (éds.), *Yād-nāma-yi 'Allāma-yi Amīnī: Majmū'a-yi maqālāt-i taḥqīqī*, Téhéran 1352/1973.

des savants sunnites envers les idées d'Ibn Ḥazm et sa personnalité²⁷, ce savant le considère comme un vagabond, un menteur aux vaines paroles. Certains propos, sur lesquels nous reviendrons, ont particulièrement suscité les critiques d'al-Aminī, mais avant lui, le premier savant shī'ite qui, en effet, prêta attention aux critiques d'Ibn Ḥazm concernant le shī'isme et auxquelles il réagissait, fut Mīr Sayyid Ḥāmid Ḥusayn al-Hindī (*ṣāhib 'abaqāt*, m. 1306/1888–9), le célèbre savant imāmīte de l'Inde²⁸ qui, dans ses livres y compris *'Abaqāt al-anwār*, rejeta ces critiques²⁹. En parallèle, il s'appuie sur Ibn Ḥazm pour critiquer les idées et les *ḥadīths* cités par ses adversaires sunnites. Il est intéressant de remarquer que l'auteur de *'Abaqāt al-anwār* pour rejeter les accusations d'Ibn Ḥazm envers les idées shī'ites, se réfère aux savants sunnites qui blâment et critiquent fortement Ibn Ḥazm³⁰, toutefois dans certaines occasions en se basant sur ce dernier pour rejeter certains *aḥādīth* sunnites ou leur croyances³¹, il essaie d'insister sur la supériorité scientifique d'Ibn Ḥazm et souligne les aspects positifs de sa personnalité³².

'Abd al-Ḥusayn Sharaf al-Dīn (m. 1377/1957)³³, savant et autorité shī'ite du sud-Liban dans un certain nombre de ses livres, s'est également opposé aux thèses d'Ibn Ḥazm et réagit contre son *Fīṣal*. Ainsi, il répond à certaines critiques d'Ibn Ḥazm envers les shī'ites et le critique sévèrement³⁴. Encore une fois, Sharaf al-Dīn, lui aussi cite Ibn Ḥazm pour critiquer les idées sunnites³⁵. Son contemporain et compatriote al-Sayyid Muḥsin al-Amīn

²⁷ Voir al-Aminī, *al-Ghadīr*, vol. 1, p. 338f. citant *Wafayāt al-a'yān* d'Ibn Khallikān. Les savants imāmītes ainsi profitent des critiques des savants sunnites contre Ibn Ḥazm pour lui répondre ; voir Ḥusayn Ḥājī Nūrī, *Naḥḥ al-thāqib*, Qum 1384/2005, vol. 1, p. 305f.; Muḥammad al-Ḥasan al-Muḥaffar, *Dalā'il al-ṣidq li naḥḥ al-ḥaqq*, Qum 1422/2001, vol. 1, p. 36f. Il est à noter que dans les sources biographiques qui ont été écrites au 20^{ème} siècle par des savants shī'ites imāmītes, parfois la biographie d'Ibn Ḥazm apparaît évidemment sur la base de sources sunnites ; voir par ex. 'Abbās al-Qummi, *al-Kunā wa-l-alqāb* 1–3, Téhéran s.d., vol. 1, p. 264f.

²⁸ Pour lui, voir al-Milānī, *Istikhrāj al-marām*, vol. 1, p. 79ff.

²⁹ Voir par ex. Mīr Ḥāmid Ḥusayn, *'Abaqāt al-anwār*, Isfahan 1366/1987, vol. 5, p. 92f.; vol. 6, p. 59ff.

³⁰ *'Abaqāt*, vol. 6, p. 59–70 ; pour une bibliographie d'Ibn Ḥazm dans *'Abaqāt*, voir vol. 2, p. 466–468.

³¹ *'Abaqāt*, vol. 2, p. 465–470 ; vol. 21, p. 491ff., 530ff.; vol. 23, p. 1097ff.

³² *'Abaqāt*, vol. 21, p. 493ff.

³³ Pour lui, voir Mervin, *Un réformisme chiite*.

³⁴ Par ex. voir *al-Fuṣūl al-muḥimma fī ta'līf al-umma*, Téhéran, 1423/2002–3, p. 227ff. Il dit ici qu'Ibn Ḥazm a la même approche non justifiée envers les ash'arites, p. 228f.

³⁵ Voir 'Abd al-Ḥusayn Sharaf al-Dīn, *Ajwibat masā'il Māsā Jār Allāh*, Saïda 1373/1953, p. 43f.; aussi voir *al-Fuṣūl al-muḥimma*, p. 62ff, 217 ; ici, il s'appuie sur les propos d'Ibn Ḥazm pour dire que l'excommunication (*takfīr*) du shī'a n'est pas justifiée (voir aussi *Ajwibat masā'il*, p. 7f., 21–24 ; idem, *al-Naṣṣ wa-l-ijtihād*, Qum 1404/1983–4, p. 552f.) Néanmoins,

(m. 1371/1952), le célèbre savant et auteur du livre *A'ṡyān al-shī'a*³⁶, en a fait de même contre Ibn Ḥazm³⁷. Dans la même période le savant irakien Muḥammad Ḥasan al-Muẓaffār (m. 1375/1955–6)³⁸ dans son livre *Dalā'il al-ṡidq li-naḥj al-ḥaqq* a également répondu aux idées d'Ibn Ḥazm et bénéficie de certains de ses discours en même temps afin de pouvoir s'opposer aux idées sunnites, celles-la mêmes qu'Ibn Ḥazm avait critiquées³⁹.

Aujourd'hui, dans presque tous les écrits polémiques shī'ites, les réactions aux critiques d'Ibn Ḥazm contre les shī'ites sont encore considérables. Ainsi, critiquer Ibn Ḥazm, bien sûr tout comme critiquer le célèbre Ibn Taymiyya (m. 728/1328), fut l'une des priorités des auteurs visant à contester les accusations des sunnites contre les shī'ites. Sur les sites internet légaux, qui sont dans ces dernières années particulièrement l'un des lieux les plus importants de débats intellectuels et religieux entre les shī'ites et les sunnites, nous pouvons également observer ce fait au sujet d'Ibn Ḥazm et de son ouvrage *al-Fiṡal*⁴⁰.

La réponse aux accusations d'Ibn Ḥazm contre les shī'ites imāmrites quant à la falsification du Coran représentait l'un des axes de la critique des savants shī'ites⁴¹. Selon lui, toutes les tendances imāmrites sans exception croient en l'altération (*tahrīf*) de la version officielle du Coran,

selon Ibn Ḥazm certains extrémistes parmi des shī'ites (*qawm min ghulāt al-rawāfiḍ*) ne font pas partie des musulmans et il faut les considérer comme des *kuffār*; voir Ibn Ḥazm, *al-Iḥkām fi uṡūl al-aḥkām*, éd. Aḥmad Shākir, Beyrouth 1983, vol. 1, p. 96, vol. 4, p. 162, 204; cf. idem, *Fiṡal*, vol. 1, p. 164.

³⁶ Pour lui, voir Mervin, *Un réformisme chiite*; Muḥsin al-Ḥusaynī Āmilī, *Autobiographie d'un clerc chiite du Ḡabal Āmil*, tiré de *Les notables chiites, A'ṡyān al-ṡī'a*, traduction et annotations par Sabrina Mervin et Haitham Al-Amin, Damas 1998.

³⁷ Al-Amin, *A'ṡyān al-shī'a*, vol. 1, p. 40–44, 59; idem, *Naqḍ al-waṡḡḡ*, Beyrouth 1403/1983, p. 362; idem, *al-Ḥuṡūn al-manī'a fi radd mā awradah ṡāḥib al-Manār fi ḥaqq al-shī'a*, Beyrouth s.d., p. 54.

³⁸ Pour lui, voir Muḥammad Ḥusayn al-Jalālī, *Fihris al-turāth*, Qum 1422/2001–2, vol. 2, p. 421.

³⁹ Al-Muẓaffār, *Dalā'il al-ṡidq*, vol. 1, p. 36f. (ici al-Muẓaffār dit qu'Ibn Ḥazm ressemble à Ibn Taymiyya dans son hostilité envers les *ahl al-bayt*); vol. 4, p. 32f.; voir aussi Sulṡān al-wā'iẓin Shīrāzī, *Shab-hā-yi-pīshāwar dar difā' az ḥarīm-i tashayyu'*, Téhéran 1379/2000, p. 334f.

⁴⁰ Voir Hasson, « Les ṡī'ites ».

⁴¹ Á ce sujet, voir Etan Kohlberg, « Some Notes on the Imāmrite Attitude to the Qur'an, » *Islamic Philosophy and the Classical Tradition. Essays Presented by His Friends and Pupils to R. Walzer on His Seventieth Birthday*, eds. S.M. Stern, Albert Hourani and Vivian Brown, Oxford 1972, p. 209–224; Mohammed A. Amir-Moezzi et Etan Kohlberg, « Révélation et falsification : introduction à l'édition du *Kitāb al-qirā'āt* d'al-Sayyārī, » *Journal Asiatique* 293 (2005), p. 663–722; Hossein Modarressi, « Early Debates on the Integrity of the Qur'an, » *Studia Islamica* 77 (1993), p. 5–39; Meir M. Bar-Asher, « Variant Readings and Additions of the Imāmī-Shī'a to the Quran, » *Israel Oriental Studies* 13 (1993), p. 39–74; Rainer Brunner, *Die Schia und die Koranfälschung*, Stuttgart/Würzburg 2001.

allant même à prétendre que tous les shī'ites imāmites affirment l'existence d'omissions, ou encore de rajouts dans le texte du Coran, ce qui a provoqué de fortes réactions de la part des savants shī'ites contre Ibn Ḥazm. Ainsi, ce dernier prétend que, selon les imāmites, il y aurait dans le Coran non seulement des sujets qui auraient été supprimés mais aussi des sujets et des versets ajoutés. Par conséquent les falsifications sont dues aux ajouts et aux manques du Coran. Cette opinion, selon Ibn Ḥazm est mécréance (*kufṛ*). Ce dernier, cependant, exclu trois savants imāmites, notamment son contemporain plus âgé, le célèbre al-Sharīf al-Murtaḍā (m. 436/1044–5) et dit qu'il fut un imāmite en apparence mu'tazilite niant l'idée de la falsification du Coran et excommuniant (*yukaffir*) ceux qui le croient⁴². Nous ne savons pas exactement comment Ibn Ḥazm a connu les idées d'al-Sharīf al-Murtaḍā. Ce dernier mourut à Bagdad à peu près deux décennies avant la date de la mort d'Ibn Ḥazm et ces informations sont probablement arrivés à ce dernier par les Andalous qui voyageaient à Bagdad. Or, à l'époque d'Ibn Ḥazm en Andalousie, il n'existe pas d'autre témoignage des œuvres d'al-Sharīf al-Murtaḍā. L'information d'Ibn Ḥazm concernant l'idée de *taḥrīf* auprès de tous les shī'ites imāmites, notamment l'idée de l'existence de rajouts dans le Coran, doit être empruntée aux accusations générales que les sunnites adressaient aux shī'ites dans leurs écrits. Ibn Ḥazm, en effet, ne disposait visiblement d'aucune des œuvres mêmes des savants imāmites sur ce sujet. Cependant, les écrivains sunnites, en particulier au sujet de l'idée de l'existence de rajouts dans le Coran chez les imāmites, se réfèrent à Ibn Ḥazm et d'autre part, les savants shī'ites le rejettent et le citent à titre d'exemple⁴³.

Encore, faut-il citer ici l'opinion d'Ibn Ḥazm dans son livre *al-Muḥallā* concernant 'Abd al-Raḥmān Ibn Muḥjam, l'assassin de l'imām 'Alī b. Abī

⁴² Voir Ibn Ḥazm, *Fiṣal*, vol. 4, p. 115, 139 ; aussi vol. 2, p. 65 ; cf. idem, *Iḥkām*, vol. 1, p. 96 (*qawm min ghulāt al-rawāfiq*) ; idem, *Muḥallā*, vol. 1, p. 43 ; cf. ibid., vol. 12, p. 435 (où il ne parle que des manques du Coran) ; voir aussi Muḥammad b. Aḥmad al-Dhahabī, *Siyar a'lām al-nubalā'*, éd. Shu'ayb al-Arna'ūt [et al.], Beyrouth 1413/1993, vol. 17, p. 590 (qui cite Ibn Ḥazm).

⁴³ Voir Muḥibb al-Dīn al-Khaṭīb, *al-Khuṭūt al-'arīḍa li-l-usus allatī qāma 'alayhā dīn al-shī'a al-imāmiyya al-ithnay 'ashariyya*, Cairo 1388[1968–9], p. 19 (citant Ibn Ḥazm). Pour ces réactions, voir Muḥammad Hādī Ma'rīfat, *Shī'ānat al-Qur'ān min al-taḥrīf*, Téhéran 1379/2000, p. 68 ; 'Alī al-Ḥusaynī al-Milānī, *al-Taḥqīq fī nafy al-taḥrīf 'an al-Qur'ān al-sharīf*, Qum 1426/2005, p. 18ff ; Muḥammad al-Ḥusayn Āl Kāshif al-Ghiṭā', *al-Murāja'āt al-rayḥāniyya*, Beyrouth 1424/2003, vol 2, p. 297f ; voir aussi Rainer Brunner, « La question de la falsification du Coran dans l'exégèse chiite duodécimaine, » *Arabica* 52 (2005), p. 1–42 ; Faṭḥ Allāh al-Muḥammadi, *Salāmat al-Qur'ān min al-taḥrīf aw tafnīd al-iftirā'āt 'alā al-Shī'a al-imāmiyya*, Téhéran 1424/2003.

Ṭālib (m. 40/661), selon laquelle il ne mérite pas d'être condamné au *qisās* (peine relevant de la loi du *talion*) pour l'assassinat de l'imām 'Alī parce que l'acte était basé sur son *ijtihād* (l'effort de réflexion par les juristes) et sur une interprétation religieuse⁴⁴. Voilà encore un des sujets qui suscita de violentes critiques de la part des savants shī'ites envers Ibn Ḥazm⁴⁵.

Nous ne disposons pas de documentation permettant d'établir que Ibn Ḥazm disposait d'écrits imāmītes⁴⁶. Cependant il attribue parfois dans son *Fiṣal* des idées juridiques (*fatāwā*) étranges aux imāmītes, dont nous ignorons les sources, et qui attire encore les critiques des savants imāmītes. Par exemple, Ibn Ḥazm écrit que certains savants imāmītes tolèrent le mariage avec neuf femmes en même temps⁴⁷. Ou encore, il dit que certains imāmītes ne tolèrent pas de manger une certaine plante *kurunb*, puisqu'ils considèrent que cette plante a poussé grâce au sang du 3^{ème} imām al-Ḥusayn b. 'Alī, et qu'avant son assassinat cette plante n'existait pas du tout⁴⁸. Nous ne savons pas comment Ibn Ḥazm disposait de ces idées et quelles étaient les sources de ces sujets, dont ils n'existent rien dans les sources connues imāmītes⁴⁹. Probablement, ses sources étaient seulement les propos que les sunnites récitaient oralement contre les shī'ites et Ibn Ḥazm n'avait pas vraiment fait de recherches concernant leur authenticité.

En fin, le dernier point à citer ici, nous l'avons déjà vu, c'est la similitude entre certaines idées d'Ibn Ḥazm et des idées aux sujets de *fiqh*,

⁴⁴ Ibn Ḥazm, *Muḥallā*, vol. 10, p. 483f.; voir aussi Ibn Ḥajar al-'Asqalānī, *al-Talkhīṣ al-ḥabīr fī takhrīj aḥādīth al-rāfi'ī al-kabīr*, Beyrouth 1419/1989, vol. 4, p. 130. Pour une même approche chez Ibn Ḥazm concernant le sujet de meurtre de 'Ammār b. Yāsir, un des compagnons de 'Alī b. Abī Ṭālib; voir Ibn Ḥazm, *Fiṣal*, vol. 4, p. 125.

⁴⁵ Voir Mir Ḥamid Ḥusayn, *'Abaqāt*, vol. 6, p. 70–73, vol. 20, p. 396; c'est une des raisons pour lesquelles il considère Ibn Ḥazm comme un *nāṣibī*; al-Amīnī, *al-Ghadīr*, vol. 1, p. 323–328; Muḥammad Ḥasan al-Qazwīnī, *al-Imāma wa-l-khilāfa al-'uẓmā*, Beyrouth 1423/2002–3, vol. 1, p. 19f., 29–30. Pour le sujet de 'Ammār, voir al-Amīnī, *al-Ghadīr*, vol. 1, p. 328ff; Murtaḍā al-'Askarī, *Ma'ālim al-madrasatayn*, Téhéran 1412/1992–92, vol. 2, p. 70ff.

⁴⁶ Ibn Ḥazm toutefois cite d'un livre sous le titre *Kitāb al-Mīzān* attribué au célèbre *mutakallim* shī'ite du 2^{ème} siècle, Hishām b. al-Ḥakam; voir Hossein Modarressi, *Tradition and Survival: A Bibliographic survey of Early Shī'ite Literature*, Oxford 2003, p. 265 n. 17. Pour les informations qu'Ibn Ḥazm cite concernant les *Bajaliyya*, un mouvement shī'ites au Maghreb, voir Wilferd Madelung, « Some Notes on Non-Isma'ili Shiism in the Maghrib, » *Studia Islamica* 44 (1977), p. 87–97; W. al-Qāḍī, « al-Shī'a al-bajaliyya fī l-Maghrib al-aqṣā, » *Ashghāl al-mu'tamar al-awwal li-tārīkh al-Maghrib al-'arabī wa-ḥaḍāratih*, Tunis 1979, vol. 1, p. 165–194.

⁴⁷ Ibn Ḥazm, *Fiṣal*, vol. 4, p. 139; cf. idem, *Muḥallā*, vol. 9, p. 7 (*qawm min al-rawāfiḍ*).

⁴⁸ Ibn Ḥazm, *Fiṣal*, vol. 4, p. 139.

⁴⁹ Voir al-Amīnī, *al-Ghadīr*, vol. 3, p. 148; Sharaf al-Dīn, *al-Fuṣūl al-muḥimma*, p. 227.

uṣūl et encore *kalām* shī'ites⁵⁰. À titre d'exemple, la ressemblance d'Ibn Ḥazm avec les imāmītes dans le rejet de *qiyās* (analogie) et de *ra'y* (suggestion juridique) en tant que deux sources d'inférences du *fiqh*⁵¹ est un sujet intéressant pour les savants imāmītes⁵². Un autre exemple concerne le mariage temporaire (*mut'a*)⁵³ : nous savons qu'Ibn Ḥazm a insisté sur le fait que la permission de ce type de mariage recoupait l'opinion d'un nombre considérables de compagnons du Prophète⁵⁴. Cette position, citée par des savants imāmītes peut englober leur position à ce sujet⁵⁵.

⁵⁰ Citant par ex. l'idée du *ṣarfa* (concernant la question du *i'jāz al-Qur'ān*) chez Ibn Ḥazm qui est comparable avec l'opinion de certains savants imāmītes, voir Ya'qūb al-Ja'farī, « 'Ulamā' al-muslimīn wa-l-qawl bi-l-ṣarfa », *al-Maqālāt wa-l-risālāt* 1–2. *Mu'tamar al-'Ālamī bi-munāsabat al-Dhikrā al-alfiyya li-wafāt al-Shaykh al-Muftī*, Qum 1413[1992] p. 1–32 # 112 ; 'A.M.Ḥ. al-Imārī, « Madhhab al-ṣarfa : Ibn Ḥazm », *al-Azhar* 22 i (1370), p. 858–861.

⁵¹ Pour les opinions concernées, voir par ex. Ibn Ḥazm, « Kitāb al-ṣādī' fi l-radd 'alā man qāl bi-l-qiyās wa-l-ra'y wa-l-taqlīd wa-l-istiḥsān wa-l-ta'līl », éd. M.R. al-Anṣārī, *Pajūhish-hā-yi uṣūlī* 4–5 (1382/2003), p. 228–269 ; voir aussi Fadel I. Abdallah, « Notes on Ibn Ḥazm's Rejection of Analogy (*qiyās*) in Matters of Religious Law », *American Journal of Islamic Social Sciences* 2 (1985), p. 207–224 ; Karmen E. Talbot, Arguments against the Sunni legal methodology : Ibn Ḥazm and his refutation of *qiyās*, MA dissertation, McGill University, Montreal 1987 ; voir aussi Carl Sharif Tobgui, « The epistemology of *qiyās* and *ta'līl* between the Mu'tazilite Abū l-Ḥusayn al-Baṣrī and Ibn Ḥazm al-Ẓāhirī », *UCLA Journal of Islamic and Near Eastern Law* 2 (2003), p. 281–354.

⁵² Voir à ce sujet, M.J. al-Mughniyya, « al-Qiyās 'inda Ibn Ḥazm wa-l-shī'a al-imāmiyya », *Risālat al-islām* 12 333–iv (1380), p. 257–261 ; Ja'far al-Subḥānī, *al-Inṣāf fi mas'āl dāma fihā l-khilāf*, Qum 1381/2002, vol. 2, p. 431ff.

⁵³ À ce sujet, voir Arthur Gribetz, *Strange bedfellows, mut'at al-nisā' and mut'at al-hajj : A study based on Sunnī and Shī'i sources of tafsīr, ḥadīth and fiqh*, Berlin 1994 ; Shahla Haeri, *Law of Desire : Temporary Marriage in Shī'i Iran*, Syracuse 1989 ; Werner Ende, « Ehe auf Zeit (mut'a) in der innerislamischen Diskussion der Gegenwart », *Die Welt des Islams* 20 (1980), p. 1–43 ; Wilferd Madelung, « Shī'i Attitudes toward Women as Reflected in Fiqh », *Society and the Sexes in Medieval Islam*, éd. Afaf Lutfi al-Sayyid-Marsot, Malibu 1979, p. 69–71.

⁵⁴ Voir Ibn Ḥazm, *Muḥallā*, vol. 9, p. 127–130 ; idem, *Rasā'il Ibn Ḥazm al-Andalusī*, vol. 3, p. 96 ; cf. idem, *Fiṣal*, vol. 4, p. 151 ; voir aussi Ibn Ḥajar al-'Asqalānī, *Fatḥ al-bārī sharḥ Ṣaḥīḥ al-Bukhārī*, éd. Muḥammad al-Khaṭīb, Beyrouth 1379/1959–60, vol. 9, p. 174.

⁵⁵ Voir al-Aminī, *al-Ghadīr*, vol. 6, p. 31ff ; Tawfiq Fakikī, *al-Mut'a wa atharuhā fi l-iṣlāḥ al-ijtimā'i*, éd. H. Sh. Hamdar, Beyrouth 1409/1989, p. 62ff ; Abū l-Qāsim b. 'Alī Akbar al-Khū'i, *al-Bayān fi tafsīr al-qur'ān*, Qum s.d., p. 312. Pour d'autres exemples parmi les savants imāmītes qui citent Ibn Ḥazm pour critiquer les idées sunnites, voir Shaykh al-sharī'a al-Aṣfahānī, *al-Qawl al-ṣurāḥ fi naqd al-Ṣiḥāḥ*, Qum 1421/2000, p. 160ff, 208, 234 ; 'Alī al-Ḥusaynī al-Milānī, *al-Taḥqīq*, p. 364ff ; idem, *al-Imāma fi aḥamm al-kutub al-kalāmiyya*, Qum 1413/1992–3, p. 385–387 ; idem, *Sharḥ Minhāj al-karāma*, Téhéran 1376/1997, p. 117ff, 330ff, 368 ; al-Subḥānī, *al-Inṣāf*, vol. 1, p. 26ff ; vol. 2, p. 557ff ; vol. 3, p. 590f.

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THE RECEPTION OF IBN ḤAZM IN ARABIC CHRONICLES*

Luis Molina

Although Ibn Ḥazm never wrote any purely annalistic books, several of his works were used as historical sources by mediaeval Arabic historians. Among them there are two which are particularly noteworthy, because they are repeatedly cited in this kind of text: the genealogical *repertoire* entitled *Jamharat ansāb al-‘arab* and the collection of stories about caliphs and emirs called *Naqt al-‘arūs*. We also find frequent references to his *Risāla Fī faḍl al-Andalus*, the epistle in which he enumerates the literary and cultural glories of al-Andalus; but the use that the chronicles make of it is so obvious and direct—it is only cited to show that a particular author is mentioned in this particular *Risāla*—that it is not worth dwelling on the analysis of its influence on Arabic historiography.

Nor need we pay much attention to the sporadic appearances of citations of other texts of Ibn Ḥazm in the works of historians, like the presence in a biographical dictionary such as Ibn al-Abbār’s *Takmila* of a reference drawn from the *Ṭawq al-ḥamāma*,¹ although the only information Ibn al-Abbār takes from the *Ṭawq* is the name of the subject of the biography. This is yet another example of the “historiographical method” of Ibn al-Abbār² who, in his zeal to include the largest possible number of biographies in his list, drew references to individuals of whom nothing else was known from unusual sources (he even used the names of people taken from tombstones).

Before concentrating on the analysis of the influence of the *Jamhara* and the *Naqt* on Arabic historiography, we shall look at another case of the use of a mention of the *Ṭawq al-ḥamāma* by authors of historical works. Not, however, with the intention of providing another example—quite insignificant, in any case—but rather as a warning of the caution with which

* The Spanish version of this paper has been translated by Jeremy Rogers.

¹ Ed. ‘A.S. al-Harrās, Casablanca, n.d., vol. 1, p. 190 # 623, biography of Taghlib b. ‘Īsā al-Kilābī. We have not found any figure of this name in the *Ṭawq* but there is a Tha‘lab b. Mūsā al-Kaladhānī who is very probably the individual to whom Ibn al-Abbār is referring (*Ṭawq al-ḥamāma*, ms. Leiden OR 927, fol. 119v; ed. Damascus 1349H, p. 131; trans. Emilio García Gómez, *El collar de la paloma*, Madrid 1971, p. 280).

² María Luisa Ávila, “El método historiográfico de Ibn al-Abbār,” *Estudios onomástico-biográficos de al-Andalus* I, Madrid 1988, pp. 555–583.

we should approach the analysis of textual transmission within Arabic historiography: the uncritical acceptance of the assumption that any citation of, or reference to, an author implies his influence on the work mentioning him may seriously distort our understanding of the structure of the system of textual interrelationships that we are proposing to define.

The case in question is that of the story of a poet of the Umayyad family known as "The Amnestied Prince" (*al-sharīf al-ṭalīq*), so called because he spent a large part of his life in prison, accused of the death of his father, until he was freed by al-Manṣūr.³ There are many allusions to this poet-prince, Marwān b. Muḥammad, that Arabic authors use in their works but, to focus on one specific and easily-compared aspect, we shall restrict ourselves to studying the texts showing the comparison between Marwān and the Abbasid prince Ibn al-Mu'tazz, also a noted poet.

Four Andalusī authors, one North African and one Eastern, reproduce the text. They are al-Ḥumaydī (b. c. 420/1029, d. 488/1095),⁴ al-Ḍabbī (d. 599/1203),⁵ Ibn al-Abbār (b. 595/1199, d. 658/1260),⁶ Ibn Sa'īd (b. 610/1213, d. 685/1286),⁷ al-Dhahabī of Damascus (b. 673/1274, d. 748/1348)⁸ and the chronicler al-Maqqarī of Tlemcen (b. c. 986/1578, d. 1041/ 1632).⁹

With the single exception of al-Maqqarī, all these authors agree in attributing the phrase to Ibn Ḥazm;¹⁰ but the fact is that, on one hand, the text in question does not appear in any of the surviving works of Ibn Ḥazm,¹¹ and, on the other, all these quotes come from al-Ḥumaydī's

³ Emilio García Gómez, "El Príncipe Amnistiado y su 'Diwan,'" *Cinco poetas musulmanes*, Madrid 1944, pp. 67–93; Teresa Garulo, "El 'Príncipe Amnistiado' en el *Ḍamm al-hawā* de Ibn al-Ġawzī," *El Legado Marroquí y Andalusí: la documentación y la lectura*, Tetouan n.d., pp. 49–57.

⁴ *Jadhwat al-muqtabis*, Cairo 1966, p. 342 # 799.

⁵ *Bughyat al-multamis*, ed. Francisco Codera, Madrid 1885, p. 447 # 1343.

⁶ *Al-Ḥulla al-siyarā*, ed. Ḥusayn Mu'nis, Cairo 1963, vol. 1, p. 221.

⁷ *Al-Mughrib fī ḥulā l-Maghrib*, ed. Shu'ayb Ḍayf, Cairo 1964, vol. 1, p. 191 # 124.

⁸ *Tārīkh al-Islām wa-wafayāt al-mashāhīr wa-al-a'lām*, ed. 'Umar 'Abd al-Salām, Beirut, 1987–2004, vol. 27, p. 397.

⁹ *Nafḥ al-ṭib*, ed. Iḥsān 'Abbās, Beirut 1968, vol. 3, p. 586.

¹⁰ Al-Ḥumaydī: "Abū Muḥammad 'Alī b. Aḥmad told me;" al-Ḍabbī: "Abū Muḥammad ibn Ḥazm said;" Ibn al-Abbār: "I mention it [...] because of what Abū Muḥammad ibn Ḥazm says about it;" Ibn Sa'īd: "Ibn Ḥazm said;" Dhahabī: "Ibn Ḥazm said."

¹¹ Ibn Ḥazm refers to this personage in two of his works, in the *Jamharat ansāb al-'Arab* (ed. 'Abd al-Salām Muḥammad Ḥārūn, Cairo 1382/1962, p. 102 = J; trans. Elías Terés, "Linajes árabes en al-Andalus, según la 'Yamhara' de Ibn Ḥazm," *Al-Andalus* 22 (1957), pp. 55–111 and 337–376; the allusion is on p. 82) and in the *Ṭawq al-ḥamāma*, ms. fol. 23v; ed. Damascus, 1349H, p. 26; trans. p. 134. In both cases the information provided about Marwān b. Muḥammad is minimal, and has nothing to do with the texts we have looked at here.

report.¹² This fact is hardly surprising since, as Teresa Garulo points out,¹³ the circulation of the *Ring of the Dove* was very limited; on the other hand, to elaborate on the above, the work that Garulo uses for her article on the “Amnestied Prince,” the treatise on profane love *Dhamm al-hawā* by Ibn al-Jawzī of Baghdad (b. 511/1116, d. 597/1200),¹⁴ is clear evidence that the work of Ibn Ḥazm, particularly in the East, was known almost exclusively via the transmission of his disciple al-Ḥumaydī. In the following pages we shall try to confirm that the appearance of citations of the *Jamharat ansāb al-‘arab* and of the *Naqt al-‘arūs* in historical texts follows this same pattern.

THE *JAMHARAT ANSĀB AL-‘ARAB*¹⁵

Ibn Ḥazm’s genealogical work, the *Jamharat ansāb al-‘arab*, written *post* 448/1056,¹⁶ forms part of the extensive list of works produced in this discipline by mediaeval Islam, notable among which is the *Jamharat al-nasab* of Ibn al-Kalbī (b. Kūfa c. 120/737, d. 204 or 206/819 or 821). The similarities

¹² This is mentioned specifically in the biographies dedicated to the “Amnestied Prince” by Ibn Sa‘īd and al-Dhahabī, while al-Dabbī’s *Bughya*, as is well known, is a copy of the *Jadhwa* supplemented by biographies of figures from a period subsequent to that covered by al-Ḥumaydī (indeed, the biography of our poet is exactly the same in both works). As to Ibn al-Abbār, he does not explicitly quote al-Ḥumaydī in this passage (although he is a habitual source of his; in fact, he turns to him in the biographies before and after that of the “Amnestied Prince”), but there is no doubt that he used him in this biography, since in it we find a paragraph, originating from al-Ḥumaydī, in which he mentions the circumstances of the death of the father at the hand of Marwān b. Muḥammad. The story was collected by al-Ḥumaydī from the words of an individual named Muḥammad b. Idrīs (Garulo, “El ‘Príncipe Amnistiado,” pp. 51–53 and 57, n. 17). On the influence of Ibn Ḥazm on al-Ḥumaydī, see Elías Terés, “Enseñanzas de Ibn Ḥazm en la ‘Ādwat al-muqtabis’ de al-Ḥumaydī,” *Al-Andalus* 29 (1964), pp. 147–178.

¹³ *La Literatura árabe de al-Andalus durante el siglo XI*, Madrid 1998, p. 79.

¹⁴ Joseph N. Bell, “Selection and Organization of Literary Material: Ibn Al Jawzi’s *Dhamm al-Hawa*,” *Love Theory in Later Hanbalite Islam*, New York 1979, pp. 11–45.

¹⁵ Terés, “Linajes;” Jacinto Bosch Vilá, “La ciencia de los linajes y los genealogistas en la España musulmana,” *Miscelánea de estudios dedicados al profesor Antonio Marín Ocete*, Granada 1974, pp. 63–77; idem, “La *Ŷamharat ansāb al-‘arab* de Ibn Ḥazm,” *Miscelánea de Estudios Árabes y Hebraicos* 10 (1961), pp. 107–126. On another Andalusī genealogist, see Manuela Marín, “La obra genealógica de Ibn ‘Abd al-Barr,” *Actas de las Jornadas de Cultura Árabe e Islámica*, 1978, Madrid 1981, pp. 205–229.

¹⁶ Date quoted in the *Jamhara*, p. 51; Terés, “Linajes,” p. 13; Bosch, “La ‘Ŷamharat,’” p. 125. It is still common for the production of this work to be situated in the period between the years 422 and 432 of the Hijra (1030–1041), repeating an error by Asín Palacios; see, for example, the article “Ibn Ḥazm” in the *Biblioteca de al-Andalus* (“De Ibn al-Dabbag a Ibn Kurz,” p. 440).

between the two texts go far beyond the coincidence in their titles, for Ibn al-Kalbī is the model followed, with greater or lesser faithfulness, by all the authors of the genealogical genre.¹⁷ Ibn Ḥazm was no exception, but his personal contribution gave his *Jamhara* a particular character, which makes it unique among its peers—at least, those which have survived. The personality of Ibn Ḥazm's *Jamhara* is marked by two very specific and clearly defined aspects: the special attention he pays to the representatives in al-Andalus of the tribal and family groups he lists,¹⁸ and the inclusion of some final appendices in which he briefly summarizes the genealogies of the Berbers, of some *muwallad* families, of the Israelites and of the Persians.

These appendices, which are missing from some of the surviving manuscripts of the *Jamhara*, had a very noticeable influence on some later texts that based their chapters on the genealogies of these nations upon the information provided by Ibn Ḥazm's work. This is particularly true for the section dedicated to the Berbers, as we shall now show; but the others also left their mark on other authors, albeit to a much more limited extent, as in the case of Ibn Khaldūn (b. 732/1332, d. 808/1406), who turns to the *Jamhara* in his chapter on the descendants of Abraham.¹⁹

But if the use of other passages from the appendices of the *Jamhara* is very sporadic, his "Berber Genealogies," on the contrary, enjoyed a much wider distribution: so much so that they became the principal sources for three key texts for the history of the Berber lineages: the "History of the Berbers" by Ibn Khaldūn (which is not actually a separate work, but a passage in his *Ibar*),²⁰ the *Kitāb al-Ansāb* by Ibn 'Abd al-Ḥalīm and the anonymous *Mafākhir al-barbar*.

¹⁷ We should stress that *ansāb* is a term used in two senses, whose semantic similarity may lead to confusion. Against the sense of "genealogies" that it has in the cases of Ibn al-Kalbī and Ibn Ḥazm, we find a great number of works which include it in their title (the most famous being *al-Ansāb* by al-Sam'ānī) but which have—practically—nothing to do with the genealogical treatises, since they are basically dictionaries of *nisbas*, tribal and family surnames; they therefore fall within the sphere of onomastics. Despite certain common elements—and indeed the genealogical texts are often widely used as sources for the onomastic works—they belong to two clearly different genres.

¹⁸ These fragments were those translated by E. Terés in his "Linajes."

¹⁹ *Tārīkh Ibn Khaldūn al-musammā bi-Kitāb al-Ibar* 1–7, Bulaq 1284H [repr. Beirut n.d.], vol. 2, pp. 33 and 42 = J, pp. 462 and 511.

²⁰ The translation of this section by Baron MacGuckin de Slane (*Histoire des Berbères et des dynasties musulmanes de l'Afrique Septentrionale* 1–4, Algiers 1852–56, the edition of these fragments was published in Algiers in 1863) treated it as an almost independent text, in a similar way to the famous "Prolegomena," which is also not a separate text, but the introduction to the *Kitāb al-Ibar*.

Ibn Khaldūn wrote his very extensive “History of the Berbers” using numerous sources, one of which is Ibn Ḥazm’s *Jamhara*. It is not one of the most used—far from it—nor is it one of those which serve as a structural base. Rather, it is a text which is used only in very specific passages, when Ibn Khaldūn wishes to document the genealogical origins of the Berber tribes which appear in his narrative. They are never extensive passages copied word-for-word, but brief and concise items of information that clarify or correct what is stated by the primary source that Ibn Khaldūn is following at each moment. Ibn Ḥazm is cited a score of times throughout these chapters devoted to the Berbers;²¹ not many, bearing in mind the length of this section of the *Ibar* (all of vol. 6 and up to p. 379 of vol. 7), but this should not lead us to underestimate the influence of the *Jamhara* on Ibn Khaldūn’s “History of the Berbers.” Although it is true that he only turns to it when he is dealing with the origins of the Berber peoples, it is equally true that at those particular moments he always relies on it and considers it to be his most prestigious source of information. It is clear that, as a specialized tool, for Ibn Khaldūn the *Jamhara* is the most reliable source, and one of the highest quality.

In two works dedicated exclusively to the Berbers the influence of the *Jamhara* was also a determining factor. These were, as we noted above, the *Kitāb al-Ansāb* by Ibn ‘Abd al-Ḥalīm and the *Mafākhir al-barbar*. They both form part of the same miscellaneous codex, in which is also included the *Kitāb Shawāhid al-jilla* by Abū Bakr Ibn al-‘Arabī (b. 468/1076, d. 543/1149).²²

²¹ *Histoire des Berbères*, vol. 1, pp. 18, 19, 25, 169, 173, 175, 183 (explicit mention of *Jamhara*), 232, 255, 264, 274, 292; vol. 2, p. 17; vol. 3, pp. 180 (explicit mention of *Jamhara*), 181, 182, 186, 201, 291.

²² The structure of the miscellaneous codex (actually, of the two codices, since there exist two related copies) containing these three texts is far from clear. Its editor, Muḥammad Ya‘lā (*Thalāthat nuṣūṣ ‘arabiyya ‘an al-Barbar fi l-Gharb al-Islāmī: Kitāb al-Ansāb li-Ibn ‘Abd al-Ḥalīm, Kitāb Mafākhir al-Barbar li-mu‘allif majhūl, Kitāb Shawāhid al-jilla li-Abī Bakr ibn al-‘Arabī = Tres textos árabes sobre beréberes en el Occidente islámico*, Madrid 1996) presents it as a compilation made by an unknown author who introduces certain minor changes to give some degree of unity and continuity to the whole. However, this interpretation presents problems of various kinds, which call for an in-depth revision of this theory. For example, in what the editor presents as the third of the texts, the *Kitāb Shawāhid al-jilla* of Ibn al-‘Arabī, which apparently occupies pages 273–383, we find data which make it impossible to attribute the whole text to Ibn al-‘Arabī, such as, for example, the fact that it includes a letter written by Ibn al-Jannān in the name of al-Mutawakkil b. Hūd in the year 634/1237 (also reproduced by Ibn ‘Idhārī, *al-Bayān al-mughrib. Qism al-Muwahhidin*, ed. al-Kattānī et al. [Beirut/Casablanca 1985], pp. 339–341 and by al-Maqqarī, *Nafh al-tīb*, ed. Iḥsān ‘Abbās, Beirut 1968, vol. 7, pp. 406–414). It is obvious that this text, like all those

In the *Kitāb al-Ansāb*,²³ attributed to Ṣāliḥ b. ‘Abd al-Ḥalīm (living in 712/1312, according to the testimony of the author of the *Mafākhir*, written at that time) there are only two citations of the *Jamhara*, and they are simply brief notes on the origins of Zanāta and Maṣmūda.²⁴ But in the *Mafākhir* (written as we have just said, in 712/1312), Ibn Ḥazm’s treatise becomes the sole source of the chapter describing the presence of Berber tribes in al-Andalus,²⁵ although the anonymous compiler of the *Mafākhir* adds information that does not appear in the *Jamhara*, abbreviates some passages, and changes the order of the paragraphs according to his own whim.

Finally, in a section of the codex which, according to the edition of Ya’lā, belongs to the *Kitāb Shawāhid al-jilla*, but which cannot really be taken from Ibn al-‘Arabī because it includes documents dated nearly a century after his death,²⁶ we find a chapter again dedicated to the origins of the Berbers, based principally on Ibn ‘Abd al-Barr.²⁷ Here Ibn Ḥazm’s *Jamhara* is cited only once, in order to refute the Arabic lineage of the Berbers.²⁸ The same information is used a few pages later,²⁹ in an account of the intervention of the Berbers in various episodes from the end of the Umayyad caliphate of Cordoba, an account that closely follows Ibn Ḥayyān, but which on occasions—and this is one of them—is interpolated with items taken from other sources.

Now, leaving aside the appendices that Ibn Ḥazm included at the end of the *Jamhara*, let us focus on the influence of the main core of this work on later historiography. As we have said before, the *Jamhara* is a traditional treatise on genealogy, differing from those written throughout the Islamic world in only one particular characteristic: the attention it pays to the presence in al-Andalus of the offspring of all the Arab lineages that

that follow it up to the end of the codex, is not in the work of Ibn al-‘Arabī, who died in 543/1149.

²³ Maya Shatzmiller, “Une source méconnue de l’histoire des Berbères: le *Kitāb al-Ansāb li-Abī Ḥayyān*,” *Arabica* 30 (1983), pp. 73–79. Shatzmiller suggests that *Kitāb al-Ansāb* is the title of the whole of the text contained in the codex, and not just of its first part. Within the uncertainty still surrounding this question, we are closer to Shatzmiller’s theory than that of the editor of the texts. In spite of this, we continue to use the division into three separate works, since this has been the generally accepted view up to now.

²⁴ *Tres textos*, pp. 46 and 53 (= J, p. 495).

²⁵ *Tres textos*, pp. 245–249 (= J, pp. 498–502).

²⁶ See above, n. 22.

²⁷ Marín, “La obra genealógica.”

²⁸ *Tres textos*, p. 368 (= J, p. 495).

²⁹ *Tres textos*, p. 375.

it lists. Stripped of this peculiarity, the *Jamhara* is just another list of Arab tribes, with no special virtue to make it worthy of the interest of later historians, who had at their disposal other texts, more accessible and more prestigious. The question we must ask, therefore, is whether this generalist and non-specialized *Jamhara* circulated among later authors, and if so, to what extent.

The answer to this question is, in a way, surprising. It is obvious that in no case did Ibn ẖazm's genealogical work become a basic source: it did not produce the usual series of "Supplements," "Continuations" or "Appendices," and it did not create a style or renew a genre. But it is a striking fact that a not particularly innovative work, from the pen of a Western author who never even left al-Andalus to undertake the typical study tour or pilgrimage to the East, was used quite frequently by eastern authors. These were not, of course, genealogists—that discipline, in any case, lost its vitality over time—but authors of the manifold variations of the biographical genre, who sought in the treatise information about the figures—or their ancestors—whose biographies they were writing.

It is impossible here to spend time on all the works of this genre that drew, to a greater or lesser extent, on the information supplied by Ibn ẖazm. So we shall concentrate on a very prolific author, the Egyptian Ibn ẖajar al-ʿAsqalānī (b. 773/1372, d. 852/1449) and, within his work, on two titles which cover different fields within the biographical genre: the *Iṣāba fī tamyīz al-ṣaḥāba*,³⁰ biographies of the Companions of the Prophet, and the *Tahdhīb al-tahdhīb*, about traditionists in general; the first limited to the first decades of the history of Islam, and the second with a broader time scale.

The *Iṣāba* quotes Ibn ẖazm several times as a source of the information it provides, but it is not always the *Jamhara* to which it turns. In fact, it only mentions it expressly in seven passages,³¹ although there are some other occasions when it follows it without a citation. Ibn ẖajar uses very varied material to prepare his work, his main sources of information being biographical dictionaries, particularly those dealing with the traditionists, and collections of *ḥadīths*. Genealogical treatises, such as the *Jamhara*, play a secondary role, as providers of data referring to the tribal origins of

³⁰ Ibn ẖajar al-ʿAsqalānī, *al-Iṣāba fī tamyīz al-ṣaḥāba* 1–5, Beirut n.d.

³¹ *Iṣāba*, vol. 1/1, p. 102 # 420 = J, p. 252; *Iṣāba*, vol. 1/1, p. 258 # 1203 = J, p. 73; *Iṣāba*, vol. 2/3, p. 131 # 3469 = J, p. 74; *Iṣāba*, vol. 2/3, p. 132 # 3474 = J, p. 163; *Iṣāba*, vol. 2/4, p. 261 # 5648 = J, p. 204; *Iṣāba*, vol. 3/6, p. 253 # 8803 = J, pp. 199 and 302; *Iṣāba*, vol. 4/8, p. 279 # 1489 = J, p. 73.

individuals, their onomastics and, to a much lesser extent, minor historical information. This secondary role is imposed by the enormous difference in structure and objectives existing between biographical listings, centred on the individual, and genealogical treatises, interested in describing the network of relationships—family and tribal—between individuals. Despite this limitation, it is true that the wealth of information that the biographical lists of figures from the early years of Islam extracted from works of genealogy is very abundant and varied, and almost universal. At first sight, this would seem to be at variance with the scant number of citations of the *Jamhara* that we find in the *Iṣāba*, but the explanation is simple: if this *Jamhara*, by Ibn Ḥazm, was a marginal source for Ibn Ḥajar, it was because he had available the other *Jamhara*, that of Ibn al-Kalbī; and if he had the model to hand, why use the copy? Indeed, Ibn Ḥazm's *Jamhara* was an imitation—to what extent still requires research—of that of Ibn al-Kalbī. Ibn Ḥajar thus preferred to refer to the latter when he needed information of a genealogical nature, turning to Ibn Ḥazm only to supplement Ibn al-Kalbī's omissions or to offer a different view.

The presence of Ibn Ḥazm's *Jamhara* is even more limited in the list of traditionists entitled *Tahdhīb al-Tahdhīb*, by the same Ibn Ḥajar.³² We only find it mentioned on two occasions,³³ the first of them to clarify the name of a son of the subject of the biography—a son who, according to Ibn Ḥajar, did not exist, and who is mentioned by Ibn Ḥazm due to an error of interpretation;³⁴ and the second, to document a different version of the onomastic chain of a person who died between 214/829 and 216/832.³⁵ The striking point of this substantial fall in the use of the *Jamhara* in the *Tahdhīb* compared to what we saw in the case of the *Iṣāba* is that we find the same pattern in the use of Ibn al-Kalbī's *Jamhara*, which practically disappears in the *Tahdhīb*.³⁶ It seems clear that the type of material contained in genealogical works such as the two *Jamharas* was very useful for preparing biographical listings of figures who flourished at a very

³² *Tahdhīb al-Tahdhīb* 1–12, Hyderabad 1325–27/1907–09.

³³ Throughout this paper we have carried out our searches with the invaluable tool that is <http://www.alwaraq.net>.

³⁴ *Tahdhīb*, vol. 3, p. 254 # 483 = J, p. 70.

³⁵ *Tahdhīb*, vol. 4, p. 4 # 7 = J, p. 373.

³⁶ In fact, Ibn al-Kalbī's *Jamhara* is not mentioned one single time, although Ibn al-Kalbī is cited as a source dozens of times throughout the more than twelve thousand biographies in the work (e.g., vol. 1, p. 154; vol. 2, pp. 7, 20, 139, 393, 435). Ibn Ḥazm, in turn, is also mentioned on many other occasions, but the majority of the times it is not his *Jamhara* that is cited, but another of his works, *al-Muḥallā*.

early stage of the history of Islam (the 1st/7th century), the Companions of the Prophet, but lost part of its value when the timeframe expanded by a couple more centuries.

THE *JAMHARA* IN AL-ANDALUS

As was to be expected, the sections of the *Jamhara* documenting the presence of Arab lineages in al-Andalus attracted the attention of historians whose works dealt with Muslim Iberia. However, Arabic historiography on al-Andalus—or, to be more precise, that referring to the Umayyad period—has one peculiar characteristic: it obliges any work done about it to begin by analysing the relationship between the subject under study and the most important, or at least the most influential, of the Andalusian chroniclers, Ibn Ḥayyān. His *Muqtabis*, which we have defined elsewhere as the “binder-twine on the sheaf of corn” of Andalusian historiography, where almost all that has gone before comes together, and from which proceeds all that which follows,³⁷ was a deadly two-edged sword: it guaranteed authors the survival of their texts, but at the same time, it caused the disappearance of their works as independent entities, since once they had been incorporated into the *Muqtabis*, they were no longer of any use. So, before going on to consider the success of the *Jamhara* in later Andalusian historiography, it will be necessary to pause to look at the points of contact between it and Ibn Ḥayyān’s *Muqtabis*. Only in this way can we later clarify whether the work of Ibn Ḥazm enjoyed a genuine circulation or whether, as so often happens, all that later authors know and cite from the *Jamhara* reached them via the *Muqtabis*.

However, the result of a search for textual contacts between the *Jamhara* and the *Muqtabis* cannot help but surprise us: in the surviving fragments of Ibn Ḥayyān’s chronicle we only find six quotes from Ibn Ḥazm, and in five of these the *Naqt al-‘arūs* is mentioned explicitly. In the sixth the title of the work from which the passage is taken is not mentioned but, since it is a reproduction of one of the other five, it is reasonable to conclude that its source would be the same, namely the *Naqt*. The six texts attributed by Ibn Ḥayyān to Ibn Ḥazm are indeed found in the *Naqt*,³⁸

³⁷ Luis Molina, “Técnicas de *amplificatio* en el *Muqtabis* de Ibn Hayyan,” *Talia Dixit* 1 (2006), pp. 55–79.

³⁸ M2b, p. 233 = *Naqt*, p. 75; M2b, p. 290 = *Naqt*, p. 78; M2c, p. 15 = *Naqt*, p. 75; M3, p. 41 = *Naqt*, pp. 90 and 104; M5, p. 37 = *Naqt*, p. 76; M5, p. 132 = *Naqt*, p. 89. The initials

which always offers a much more concise version than the *Muqtabis*, in accordance with Ibn Ḥayyān's well-documented habit of expanding at will the texts taken from his sources.³⁹

In three of these six quotes the text is also reproduced in the *Jamhara*,⁴⁰ although comparison between the three versions (*Jamhara*, *Naqt* and *Muqtabis*) implies that Ibn Ḥayyān used the version from the *Naqt*. However, a couple of items contained in the *Muqtabis* which do not appear in the *Naqt* but are in the *Jamhara* lead us to think that Ibn Ḥayyān turned to the latter work in order to complete the narrative of the *Naqt*. This is the paragraph describing the cruelty of al-Ḥakam I, where it mentions the cases of three young men castrated by the emir to turn them into eunuchs in his service. Speaking of one of them, Ṭarafa, Ibn Ḥayyān gives us two details that do not appear in the *Naqt*, his acknowledged source: the information that Ṭarafa had a mosque named after him, and the mention of his *nisba* (although *Muqtabis* says Hawwārī and *Jamhara* Murādī, a variation easily explained from the palaeographical point of view).

This is not the only evidence that Ibn Ḥayyān used the *Jamhara* in his *Muqtabis*. A well-known account, widely-circulated among later chroniclers, about the information given to Ibn Ḥazm by the eunuch Talīd, curator of the Royal Library, referred to the number of record books containing the titles of the books kept there; it must serve to give us a glimpse, albeit a very partial one, which is very revealing of the ways of transmission of a text from the *Jamhara*. The passage in question is very short and reads, according to the original version in the *Jamhara*:

Talīd, the eunuch in charge of the Library of the castle of the Banū Marwān of al-Andalus, informed me that the number of files in which the names of the books were registered was forty-four, each of them made up of fifty sheets. They contained only the titles of the books.⁴¹

As well as the version in the *Jamhara*, another seven have survived: that of Ibn Sa'īd, that of Ibn Khaldūn, two of Ibn al-Abbār, that of the *Dhikr* and

correspond to: M2b = ed. M.ʿA. Makkī (Riyadh 2003); M2c = ed. M.ʿA. Makkī (Beirut 1973); M3 = ed. M. Martínez Antuña (Paris 1937); M5 = eds. P. Chalmeta et al. (Madrid 1979); *Naqt* = *Rasāʾil ibn Ḥazm al-Andalusī*, ed. Iḥsān ʿAbbās (Beirut 1987), pp. 43–116.

³⁹ Molina, "Técnicas de *amplificatio*."

⁴⁰ M2b, p. 233 = *Naqt*, p. 75 = J, p. 95; M2b, p. 290 = *Naqt*, p. 78 = J, p. 98; M2c, p. 15 = *Naqt*, p. 75 = J, p. 96.

⁴¹ J, p. 100; Terés, "Linajes árabes," p. 24.

two of al-Maqqarī.⁴² Only two of them do not attribute the authorship of the account to Ibn ẖazm: the *Dhikr*, which does not mention the source used, and the *Mughrib*, which attributes it to Ibn Ḥayyān.⁴³ Given that Ibn Saʿīd is a customary faithful follower of Ibn Ḥayyān's *Muqtabis*, his testimony is trustworthy, and we must deduce that Ibn Ḥayyān knew and was familiar with the *Jamhara*, although the use he made of it was even more scant than his use of the *Naqt*.

Although the brevity of this passage prevents us from carrying out a productive textual comparison, a simple piece of numerical information sheds a little light on the relationships among this group of versions. According to the *Jamhara*, as we have seen, the number of folios in each of the files containing the indices of the library was fifty; the *Ḥulla* of Ibn al-Abbār agrees with this, expressly citing Ibn ẖazm's *Jamhara* as his source. However, the text that Ibn Saʿīd attributes to Ibn Ḥayyān talks of twenty folios per file, a variation which is shared by all the others (Ibn Khaldūn, Ibn al-Abbār himself in the *Takmila*, the *Dhikr*, and al-Maqqarī in his two accounts). It seems clear that the figure of twenty folios comes from the *Muqtabis* and, therefore, that all the authors—except Ibn al-Abbār in his *Ḥulla*—who include Ibn ẖazm's text did not use the *Jamhara* directly, but obtained this information through the transmission of Ibn Ḥayyān.⁴⁴

Given the characteristics of the *Jamhara*, a very specialized text full of precise, sober data and lacking in narrative and anecdotes, it is no wonder that the chronicles and narrative works pay little attention to it. It is less easy to understand the almost total silence of Andalusī biographical lists, which could have extracted useful information from the wealth of genealogical data contained in this text of Ibn ẖazm; all the more so if we compare it with the relative abundance of citations that we find among the adepts of this genre in the Islamic East.

⁴² Ibn Saʿīd, *Mughrib*, vol. 1, p. 186; Ibn Khaldūn, *Ibar*, vol. 4, p. 146; Ibn al-Abbār, *Ḥulla*, vol. 1, p. 203; Ibn al-Abbār, *al-Takmila li-kitāb al-Ṣila*, vol. 1, p. 190 # 624; *Dhikr bilād al-Andalus*, ed. Luis Molina, Madrid 1983, vol. 1, p. 169, vol. 2, p. 180; al-Maqqarī, *Nafh*, vol. 1, pp. 358 and 394.

⁴³ Ibn Ḥayyān's version has not been preserved, as it would have been in the lost fragments of the volume devoted to al-Ḥakam II.

⁴⁴ The *Ḥulla* is, on the other hand, the only work dedicated to al-Andalus in which the *Jamhara* is cited with a certain frequency; as well as the passage quoted here, it is also mentioned in vol. 1, pp. 126, 128, 203; vol. 2, pp. 347, 366.

THE *NAQT AL-‘ARŪS*⁴⁵

Compared to the rigour, seriousness and conciseness of the *Jamhara*, the *Naqt al-‘arūs*—the other of Ibn Ḥazm’s works that appears with some frequency as a source of historical data—is presented as a text which, while not frivolous, is profoundly anecdotal; not so much light as lightweight; almost inappropriate for such a circumspect and self-satisfied individual as Ibn Ḥazm. It is a sort of “fact book” about the caliphs, full of tedious lists of the “the caliphs who were most . . .,” “the first to . . .,” “those known as . . .;” only occasionally does there occur a narrative, or a comment connected with some piece of information referring to some sovereign—generally Andalusī. It was these digressions that mainly interested later authors, who did not seem to be terribly impressed by the overwhelming stream of data which makes up the framework of the *Naqt*.

The fact is that Ibn Ḥazm himself was always aware of the scant importance of this little work, to the point that, in a show of humour or modesty—not frequent features of his—he gave it the title of *Naqt al-‘arūs*, which alludes to the process of embellishing the face of a bride by painting it with beauty spots. The expression is taken from a very popular story in which the poet Jarīr, asked for his opinion of the work of his rival Dhū l-Rumma (both from the 1st/7th century), answered that it was “like the painted beauty spots of a bride and the droppings of a gazelle,” referring to the fact that these false beauty spots disappear the following day, and that the droppings of the gazelle at first give off a scent of musk, but immediately end up smelling like any other dung.⁴⁶ Is it credible that Ibn Ḥazm would not know Jarīr’s spiteful remark? If this were the case, we might perhaps suppose that our author was referring simply to the fact that his work was a modest collection of small brush-strokes, notes of little substance, but able to be appropriately decorative; but it would

⁴⁵ Luis Seco de Lucena, “Sobre el ‘Naqt al-‘arūs’ de Ibn Ḥazm de Córdoba,” *Al-Andalus* 6 (1941), pp. 357–375; idem, “De nuevo sobre el ‘Naqt al-‘arūs’ de Ibn Ḥazm de Córdoba,” *Al-Andalus* 39 (1964), pp. 23–38; David Wasserstein, “The end of the *Naqt al-‘arūs* de Ibn Ḥazm,” *Arabica* 28 (1981), pp. 57–64; Gabriel Martínez, “Dynasties et Califat: le *Naqt al-‘arūs* d’Ibn Ḥazm,” *Studia Islamica* 69 (1989), pp. 55–73; Peter C. Scales, *The fall of the caliphate of Córdoba: Berbers and Andalusis in conflict*, Leiden 1994, particularly pp. 24–32; L. Bariani, “Un pasaje ignorado en el *Naqt al-‘arūs* de Ibn Ḥazm de Córdoba,” *Qurtuba. Estudios andalusíes* 1 (1996), pp. 295–298.

⁴⁶ William Marçais, “Observations sur le texte du ‘Tawq al-ḥamāma’ (‘Le collier de la colombe’) de Ibn Ḥazm,” *Mémorial Henri Basset: Nouvelles études nord-africaines et orientales* publiées par l’Institut des hautes-études marocaines 1–2, Paris 1928, vol. 2, p. 69; Seco de Lucena, “Sobre el ‘Naqt al-‘arūs,’” p. 362; Scales, *The fall of the caliphate*, p. 25.

have been difficult for Ibn Ḥazm not to be aware of the background to the expression, so we must suppose that he himself considered the *Naqt* as something ephemeral and weak, unable to last, and which appeared to be more than it actually was.

The *Naqt*'s fortunes in later historiography were better than those of the *Jamhara*, although this does not imply that they were particularly noteworthy. Although a considerable number of texts, both Eastern and Western, quote it (or copy it without citing it), analysis of the routes of dissemination of the information that ultimately proceeds from the *Naqt* lead us to the conclusion that its diffusion was very limited. We shall take as case studies two passages from the *Naqt* which appear repeated in several works; one of them we shall look at through its reception in Eastern sources, while for the second one we shall use sources from all geographical origins.

The first passage is that of the false Hishām II, the “mat-maker from Calatrava,” about whom Ibn Ḥazm says:⁴⁷

An imposture unequalled in all of history: there appeared a mat-maker, twenty-two years after the death of Hishām b. al-Ḥakam al-Muʿayyad, who proclaimed that he was Hishām. Oaths of loyalty were sworn to him, and his name was invoked in all the pulpits of al-Andalus on many occasions, which led as a consequence to bloodshed and armies facing each other in battle.

At least seven Eastern works reproduce this paragraph: they are the *Wafayāt* of Ibn Khallikān (b. 608/1211, d. 681/1282), the *Nihāya* of al-Nuwayrī (b. 677/1279, d. 733/1333), the *Tārīkh al-Islām* and the *Siyar* of al-Dhahabī, the *Aʿyān al-ʿaṣr* and the *Wāfi* of al-Ṣafadī (b. 696/1297, d. 764/1363) and the *Shadharāt* of Ibn al-ʿImād (b. 1032/1623, d. 1089/1679).⁴⁸ All of them follow the narrative of the *Naqt* very closely, but they present small variations which are not very significant if considered in isolation, but which become more important once analysed as a whole.

⁴⁷ *Naqt*, p. 97.

⁴⁸ Ibn Khallikān, *Wafayāt al-aʿyān*, ed. Iḥsān ʿAbbās, Beirut 1397/1977, vol. 5, p. 22; al-Nuwayrī, *Nihāyat al-arab fī funūn al-adab*, ed. Aḥmad Zakī, Cairo 1980, vol. 23, p. 447 (M. Gaspar Remiro, *Historia de los musulmanes de España y África por En-Nugairī*, Granada 1917, vol. 1, p. 93); *Tārīkh al-Islām*, years 421–440, p. 390; al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, eds. Shuʿayb al-Arnaʿūt and Muḥammad Nuʾaym al-ʿArqasūsī, Beirut 1406/1986, vol. 17, p. 529; al-Ṣafadī, *Aʿyān al-ʿaṣr wa-aʿwān al-naṣr* 1–3, Facsimile publication of Ms. Atif Ef. 1809 (written 972/1565). Süleymaniye Umumî Kütüphanesi, Istanbul, Frankfurt/Main 1990, vol. 1, p. 254; idem, *al-Wāfi bi-l-wafayāt*, Wiesbaden 1962–, vol. 2, p. 213; Ibn al-ʿImād, *Shadharāt al-dhahab fī akhbār man dhahab*, Beirut n.d., vol. 3, p. 253.

Indeed, it can be no coincidence that all these authors coincide in specifying the name of the mat-maker (“a man called Khalaf the mat-maker”), information which appears in the *Naqt*, not in the same place as the other authors put it, but in the following paragraph, in which Ibn Ḥazm expresses his indignant amazement at the fact that four individuals simultaneously proclaimed themselves caliph in the space of three days. It may be argued that the clarification was relevant in order to complete the information that they provided, but it is significant that they all agreed to do so—and all exactly in the same place—even those who did not need it; for more than one of them also reproduce the second paragraph of the *Naqt*, about the four caliphs, and one of them even inserts it before the one we are concerned with, so that the name of Khalaf appears there and does not need to be added elsewhere. The only plausible explanation for this coincidence is that there existed an intermediate source between the *Naqt* and all these authors, containing the minor textual variations that then passed to all of them. The same conclusion can be drawn from the fact that these sources know no text from the *Naqt* other than this one about the mat-maker (and some know that of the four simultaneous caliphs, which forms part of the same item);⁴⁹ so to deny the existence of this common source would mean accepting that the seven works analysed coincided in selecting one—and only one—of the paragraphs of the *Naqt*.

The case we have looked at leads us to the conclusion that the *Naqt* was not widely circulated in the East. In fact, we have few citations of this work other than those we have just analysed, so it would be no exaggeration to conclude that, if it were not for this intermediate source which reproduced and disseminated the story of the mat-maker, Ibn Ḥazm’s text would be unknown in the East.

However, there is one striking exception: al-Qalqashandī (b. 756/1355, d. 821/1418), the Egyptian author of the monumental *Ṣubḥ al-a’shā*, an encyclopaedic treatise on epistolary art in chanceries, towards the end of his life wrote a book about the caliphate, the *Ma’āthir al-ināfa fī ma’ālim al-khilāfa*,⁵⁰ in which he continually cites Ibn Ḥazm’s *Naqt*.⁵¹ The surpris-

⁴⁹ The only exception is a brief item about the murder of Ayyūb b. Sulaymān, accused of having converted to Christianity, at the hands of his father, the Caliph Sulaymān b. ‘Abd al-Malik (*Naqt*, p. 51; *Wāfi*, vol. 10, p. 46).

⁵⁰ Ed. ‘Abd al-Sattār Aḥmad Farrāj, Kuwayt 1964.

⁵¹ The citations appearing in the first volume of the *Ma’āthir* were collected by Iḥsān ‘Abbās in the appendix to his edition of the *Naqt* (*Rasā’il Ibn Ḥazm*, vol. 2, pp. 233–235). The *Naqt* is also cited in the third volume (vol. 3, p. 373).

ing point in this case is the use that al-Qalqashandī makes of the *Naqt*: this being basically an insubstantial book, a dull list of data of very little interest in which, from time to time, is included an account of historical events of some value, al-Qalqashandī opts to use precisely the least essential part of the *Naqt*, the anecdotal items, and leaves aside the important information. Thus we find that many of the quotations that he makes from the *Naqt* are taken from the chapter that Ibn Ḥazm dedicates to grouping the caliphs by the age at which they ascended the throne; and the information he provides is, for example, that Yazīd b. Mu‘āwiya, when he inherited the caliphate, “was between twenty and thirty years old,”⁵² a piece of information whose precision and usefulness are somewhat limited.

As for the influence of the *Naqt* in Andalusī historiography, or that dealing with al-Andalus, the outlook does not change much from what we have just seen. We have already stated that in the surviving fragments of Ibn Ḥayyān’s *Muqtabis* we can find six quotes from the *Naqt*. Apart from these, Andalusī historiography has preserved little else, and even that small amount presents the same characteristics that we remarked on before when looking at the use of the *Naqt* by Eastern authors: the presence in all the works that copy it of common variants and coincidence in the selection of the same passages.

The analysis of a single paragraph, which recounts the wickedness of al-Ḥakam I when he castrated some sons of his subjects to bring them into his service as eunuchs, will enable us to gain a clear idea of the distribution of the *Naqt*. Four Andalusī or North African sources reproduce this item at greater or lesser length.⁵³ They all attribute it directly to Ibn Ḥazm (two, M2b and *Mughrib*, specifically to the *Naqt*); but in fact the likelihood is that only one of these authors, Ibn Ḥayyān, actually used Ibn Ḥazm’s original, since the rest repeat one or other of the phrases with which the author of the *Muqtabis* rhetorically enlarges the text of the *Naqt*. To be specific, it is the introductory phrase, which in Ibn Ḥazm’s original reads “Among those who openly showed their total dedication to sin and to pleasure [...] was al-Ḥakam.” Ibn Ḥayyān modifies this to his

⁵² *Ma‘āthir*, vol. 1, p. 116. Al-Qalqashandī is mistaken, for the *Naqt* places Yazīd among the caliphs who began their reign at between thirty and forty years of age, figures corroborated by al-Qalqashandī himself in other passages of Yazīd’s biography (he began his reign in the year 60 and died in 64 at thirty-eight or thirty-nine).

⁵³ M2b, p. 233; *Mughrib*, vol. 1, p. 44; *Dhikr*, vol. 1, p. 127; *Naft*, vol. 1, p. 342; Ibn Shākir (b. 686/1287, d. ~764/1363), *Fawāt al-wafayāt*, ed. Iḥsān ‘Abbās, Beirut 1973, vol. 1, p. 394; *Wāfi*, vol. 13, p. 119; *Tārīkh al-Islām*, vol. 14, p. 125; *Sīyar*, vol. 8, p. 254. In the *Naqt* the text is on p. 75.

taste and turns it into “Among those who openly showed their sins and those who shed blood.” In the seven remaining works the version which survives is that of the *Muqtabis*, with the only reservation that Eastern sources jointly introduce a very slight distinction, when they point out that al-Hakam was “one of those who openly showed their sins and those who shed blood.” It is clear that all these quotes from the *Naqt* come from the *Muqtabis* version, and that none of the authors mentioned here uses Ibn Ḥazm’s text directly.

CONCLUSIONS

All the cases of the use of Ibn Ḥazm’s work in historical sources that we have analysed here lead to the same conclusion: the distribution of these texts among the followers of the genres of chronicles and biography was very limited; not only because the quotes from Ibn Ḥazm’s works are rare, but particularly because they are mainly second-hand quotes. In the case of the *Naqt al-ʿarūs* this is evident whether we are referring to Andalusī or to Eastern works. We cannot be so categorical when we evaluate the influence of the *Jamhara* since, although its use by Andalusī authors was also not common, it did however enjoy relative success in very specific fields. The first of these was due to its chapter dedicated to the Berber lineages, which became a reference text, an inevitable source for anyone going into that subject (Ibn Khaldūn, Ibn ʿAbd al-Ḥalīm, the compiler of the *Mafākhir al-barbar*). The second area is, in a way, surprising: a text by an Andalusī author, very well-known in his country, respected and prestigious, but who in spite of this failed to attract the attention of the authors of biographical dictionaries from his own land, became widely used by Eastern authors, who quite often turned to the *Jamhara* to glean information on the family and tribal origins of the figures whose biographies they were writing. The two features which set the *Jamhara* apart from other genealogical treatises, most appreciated by present-day scholars—that is, its particular attention to the survival in al-Andalus of those Arab lineages, and the appendix devoted to *muwallad* families—were not valued either by his contemporaries nor by later authors; the “Andalusism” of the *Jamhara* brought nothing new to his Andalusī compatriots, and it simply did not interest those from the East. However, the more traditional parts of this work, those endless narratives of descendants of each branch of the Arab lineages, found their niche in the lists of Eastern commentators and traditionists, on a plane, if not of equality, at least of complementarity, with the great work of this genre, Ibn al-Kalbī’s *Jamhara*.

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PART VIII

BIBLIOGRAPHY

INVENTORY OF IBN ḤAZM'S WORKS¹

*José Miguel Puerta Vilchez**

It is Ibn Ḥazm's son, Abū Rāfi' al-Faḍl, who details the full extent of his father's oeuvre. The historian Ṣā'id al-Ṭulayṭulī expresses it as follows: "his son Abū Rāfi' informed me that the writings of his father Ibn Ḥazm on law (*fiqh*), *ḥadīth*, religious principles (*uṣūl*), sects and religions (*al-niḥal wa-l-milal*), as well as others on history (*tārīkh*) genealogy (*nasab*), *belles lettres* (*kutub al-adab*) and replies to his opponents (*radd 'alā al-mu'arīd*), amounted to a total of 400 volumes, contained in nearly 80,000 pages" (*Kitāb Akhbār al-ḥukamā'*, quoted in Yāqūt, *Irshād*, 4/1651; see also Ibn Bashkuwāl, *Ṣila*, 650). Such an awesome written output leads Yāqūt **following Ṣā'id** to consider Ibn Ḥazm's pen as the most prolific in Islam after that of al-Ṭabarī.

Unfortunately, not all his work has reached us. At present, and despite the efforts made in research for more than a century, we only know of less than 150 titles attributed to Ibn Ḥazm. Andalusī biographical dictionaries do not include more than twenty or so works, generally the author's best-known ones. The most extensive list that we know from the classical period, which was compiled by the renowned Eastern biographer and student of the works of Ibn Ḥazm, al-Dhahabī (d. 748/1348) in his

¹ This is a translation, by Jeremy Rogers, of "Ibn Ḥazm, Abū Muḥammad: Obras," *Biblioteca de al-Andalus: De Ibn al-Dabbāg a Ibn Kurz*, eds. Jorge Lirola Delgado and José Miguel Puerta Vilchez, Almería 2004, pp. 402–443. Although the original transcription used in Spanish publications has been modified, resulting in inconsistencies in the alphabetical order of the titles, the original order has been preserved to facilitate the use of this bibliography together with the original Spanish version. Following the conventions of *Biblioteca de al-Andalus*, the following symbols have been used throughout this chapter: ♦ for extant works; ◇ for lost works; • for works of dubious authenticity; ► for works not preserved independently, but incorporated in others; ▷ for fragments of works dispersed in other writings.—Wherever necessary bibliographical references have been updated by the editors of the volume indicated with a double asterisk **. No attempt has been made to include the ever growing number of internet sites reproducing editions of Ibn Ḥazm's writings. For examples of particular rich pages see, e.g., www.ibnhazm.net and <http://www.zahereyah.com/vb/forumdisplay.php?f=29> as well as <http://andalusuna.blogspot.de/>.

* With the exception of nos. 3, 6, 11, 18, 26, 32, 69, 78, 89, 102, 103, 105, 115, 120, 123, 130, 131, 134 and 140 that were written by Rafael Ramón Guerrero.

Siyar, 18/193–97, notes 74 titles by our author, repeating on two occasions that Ibn Ḥazm wrote considerably more than he was able to record. More recently, Miguel Asín Palacios, unearthing new manuscripts and re-reading the sources and the actual works of Ibn Ḥazm (*Abenházam*, 1/245–78; “Un código”), began gradually to outline in greater detail the real output, or what we are able to know of it, of the author of the *Fiṣal*. This task has been continued by various researchers, most significantly Saʿīd al-Afghānī (*Ibn Ḥazm al-Andalusī*), ʿAbd al-Karīm Khalifa (*Ibn Ḥazm al-Andalusī*), and Iḥsān ʿAbbās (intro. *Rasāʾil*, 1/6–15). Anwar G. Chejne (*Ibn Ḥazm*, 301–13) attempted an overall classification of Ibn Ḥazm’s written work which, although it is based on the contributions of previous research and is fairly exhaustive, contains several errors and inconsistencies, which we have tried to correct as much as possible. **Abdelilah Ljamai includes an important chapter in his *Ibn Ḥazm et la polémique islamo-chrétienne dans l’histoire de l’Islam*, PhD dissertation Tilburg 2001 [publ. Leiden: Brill, 2003] on the chronology of the writings of Ibn Ḥazm (Chapitre Deux: La chronologie de l’œuvre d’Ibn Ḥazm).** Of the 80,000 folios that Abū Rāfiʿ says his father wrote not more than 8,000 have come down to us. It is now impossible to bring the number of titles up to a figure anywhere near 400, unless we consider as separate works some of the hundreds of chapters which make up other major compilations, such as *al-Fiṣal* (→ 30), *al-Muḥallā* (→ 80), etc. The variation among the sources in the naming of many of Ibn Ḥazm’s writings, and the question whether some should be classified as separate texts, following criteria which are inconsistent in the author himself, are among the main pitfalls in preparing the inventory of his writings. Ibn Ḥazm, whose life was subject to continuous traveling and changes of residence, admits moreover that he habitually wrote various works at a time (*Risāla fī Faḍl al-Andalus*, in *Rasāʾil*, 2/186), all of which frequently resulted in the interchangeability of themes, passages and minor works between some compendiums and others.

By way of orientation, we offer a classification of Ibn Ḥazm’s works by subject: *Islamic law (fiqh)*: a) fundamentals, principles, precepts: 23, 24, 29, 38; 41, 42, 43, 52, 57, 61, 67, 71, 75, 80, 86, 87, 88, 92, 107, 115, 119, 127, 135; b) method: 37, 46, 60, 94, 96; c) juridical questions: 11, 16, 32, 47, 55, 73, 83, 97; 99, 120, 124; d) schools of law: 14, 39, 44, 53, 58, 82, 91, 105, 106. *Hadīth and transmitters*: 1, 8, 9, 10, 13, 19, 45, 56, 81, 84, 85, 108, 126, 137. *Qurʾān*: a) partial commentaries: 12, 116; b) Qurʾānic readings: 98. *History*: a) biography of the Prophet: 5, 35, 79, 114, 139; b) caliphs and governors: 6, 21, 25, 31, 42, 89, 134; c) genealogies of Arabs and Berbers: 90, 136. *Biographies*: 28, 68, 129, 132. *Theology*: 3, 7, 18, 30, 36, 54, 66, 74, 80, 100, 101, 102, 120, 121, 125, 131, 138. *Philosophy*: 27, 34, 69, 70, 72, 103, 111, 117, 123. *Ethics*: 78. *Literature*: a) poetry: 22, 95, 96, 110, 130, 141; b) prose: 130; c) literary history: 26, 128. *Rhetoric and poetics*: 4, 15, 17, 100, 113. *Spelling*: 142. *Singing and entertainment*: 32, 76. *Medicine*: 2, 20, 33, 40, 62, 63, 64, 65, 109, 133. *Erotica*: 130. *Miscellaneous*: 48, 49, 50, 51, 59, 77, 93, 112, 118, 122, 143.

◆ 1. *ʿAdad mā li-kull ṣāḥib fī Musnad Baqī*

Quoted by al-Dhahabī (*Sīyar*, 18/197), who includes it among Ibn Ḥazm's booklets or single-quire books (*juzʿ aw kurrās*). An edition of the work by Iḥsān ʿAbbās and Naṣir al-Dīn al-Asad is included in *Jawāmiʿ al-sīra wa-khams rasāʾil ukhrā li-Ibn Ḥazm* (Cairo n.d.; see Manuela Marín, "Baqī b. Majlad y la introducción del *ḥadīṭ* en al-Andalus," *Al-Qanṭara*, 1 (1980), 204).

Baqī b. Makhlad (d. 276/889) was much admired by Ibn Ḥazm for his qualities as a traditionist. It should be recalled that Ibn Ḥazm dedicated a large part of his intellectual activity to reviewing and writing about prophetic traditions and traditionists.

◇ 2. *Kitāb fī l-Adwiya al-mufrada*

Al-Dhahabī (*Sīyar*, 18/197) mentions it among the medical works which Ibn Ḥazm ascribes to himself in the *Risāla fī l-Ṭibb al-nabawī* (→ 133). This appears to be the only classical reference attributing specific medical works to Ibn Ḥazm. Al-Dhahabī states that he read these medical titles, and others, in the above-mentioned work by Ibn Ḥazm. Since to the best of our knowledge the *Risāla fī l-Ṭibb al-nabawī* is no longer extant, we are unable to make any further inquiries into Ibn Ḥazm's medical knowledge.

• *Aḥkām al-dīn*

It is only Chejne (*Ibn Ḥazm*, p. 197) who mentions this title, stating that Ibn Ḥazm quotes it in his *Taqrīb* (ed. Iḥsān ʿAbbās, Beirut: Dār Maktabat al-ḥayāt, 1959, p. 97). I have been unable to trace this reference in ʿAbbās' edition in *Rasāʾil*, 4/93–356. The subject mentioned is dealt with by Ibn Ḥazm in many of his works, and it is likely that this is not one specific work, but a reference to another text by the multi-faceted Cordoban writer.

Kitāb al-Akhḻāq wa-l-sīyar fī mudāwāt al-nufūs → *Risāla fī Mudāwāt al-nufūs* (→ 78)

◆ 3. *Risāla fī Alam al-mawt wa-ibtālihi*

Ed. and trans. Asín Palacios, "Un código," 20–4; re-ed. ʿAbbās, *Rasāʾil*, 4/359–60. A new edition is included in Ibn Ḥazm, *Marātib al-ʿulūm wa-hal li-l-mawt alam am lā*, ed. Aḥmad Shawḥān, Dār al-Zūr, 1999.

This is a very short work posing the question of whether death is painful or not, confirming the opinion of a group of physicists (*aṣḥāb al-ṭabāʾiʿ*) that there is no pain for two reasons: one, from sense experience, and the other from intellectual evidence.

◇ 4. *Shayʿ fī l-Arūd*

This is how al-Dhahabī mentions it (*Sīyar*, 18/197), including it among Ibn Ḥazm's booklets and single-quire books. Chejne (*Ibn Ḥazm*, 301) considers it to be a *kitāb*, although he only refers to al-Dhahabī.

As Ibn Ḥazm was a great poet and must have possessed an excellent knowledge of prosody, it is more than likely that he would summarise some of this knowledge in some sort of short work, to which we only have this one reference. Ibn Ḥazm also wrote down his ideas about rhetoric (*Kitāb al-Balāgha*) (→ 15) and poetry (*Kitāb al-Shiʿr*) (→ 110) (*Rasāʾil*, 4/354–56 and 359–60), which sufficed for him to be included in the histories of Arabic literary criticism.

Risāla fī Arwāḥ al-ashqiyāʾ → *Risāla ʿan ḥukm man qāla inna arwāḥ ahl al-shaqāʾ muʿadhdhiba ilā yawm al-dīn* (→ 36)

◆ 5. *Aṣḥāb al-futyā min al-ṣaḥāba wa-man baʿdahum*

Ed. in *Jawāmiʿ al-sira wa-khams rasāʾil ukhrā*, eds. Iḥsān ʿAbbās and Nāṣir al-Dīn al-Asad, Miṣr: Dār al-Maʿārif, [196–], pp. 319–331.

This is a treatise or chapter of a longer book in the field of history and biography of the Prophet. The text consists of a long list of names, headed by the following explanatory title: “Chapter in which are offered the names of the companions of the Messenger of God (God’s prayer and peace be upon him) according to their ranks, taking into account exclusively the number of [their] *fatwās*, as well as the names of those who succeeded them up to our present day, also taking into account the number of [their] *fatwās*.” It should be mentioned that Ibn Ḥazm divided these traditionists into three groups, according to whether the number of *fatwās* issued was high, medium, or low (*Iḥkām*, 4/176).

◆ 6. *Asmāʾ al-khulafāʾ wa-l-wulāt wa-dhikr mudadihim*

Ed. Iḥsān ʿAbbās, *Rasāʾil*, 2/137–57, and previously, with Nāṣir al-Dīn al-Asad in *Jawāmiʿ* 353–80. In *Rasāʾil*, 2/161–67 another recension of this treatise is published (*ṣūra ukhrā min al-risāla al-sābiqa*).

The text is also known as *Asmāʾ al-khulafāʾ al-mahdiyyīn wa-l-aʾimma umarāʾ al-muʾminīn wa-asmāʾ al-wulāt, min Quraysh wa-min Banī Hāshim, umūr al-muslimīn wa-dhikr mudadihim ilā zamāninā wa-bi-llāh al-tawfiq* (*Jawāmiʿ*, 353).

In this treatise Ibn Ḥazm names the caliphs from Abū Bakr al-Ṣiddīq until the ʿAbbāsid caliph Abū Jaʿfar ʿAbd Allāh al-Qāʾim bi-llāh (r. 422/1031–467/1075), providing some basic information, such as the dates of the beginning and end of each caliphate, the names of the mothers of the caliphs, and a brief résumé of important events which took place during each reign. The death of al-Qāʾim bi-llāh is not mentioned, providing a *terminus ante quem* for the treatise. In this brief text Ibn Ḥazm includes

the imamate of Ibn al-Zubayr and blames Marwān b. al-Ḥakam for breaking the unity of Islam (*Jawāmiʿ*, 359).

It should be noted that al-Ḥumaydī (*Jadhwa*, 10–34) attributes to Ibn Ḥazm a treatise on the dates relevant to the caliphs of al-Andalus, which, according to Iḥsān ʿAbbās and Naṣīr al-Dīn al-Asad, may either be a continuation of this text or a separate treatise (intro. to *Jawāmiʿ*, 24). We assume, however, that this is rather his *Dhikr awqāt al-umarāʾ wa-ayyāmihim bi-l-Andalus* (→ 21), which is partly preserved.

◇ 7. *Kitāb fi Asmāʾ Allāh*

According to al-Dhahabī (*Tadhkira*, 3/228), al-Ghazālī attributes to Ibn Ḥazm a book on the divine names: “I found,” says al-Ghazālī, “a book (*kitāb*) about the names of God Almighty composed by Abū Muḥammad Ibn Ḥazm which shows his vast memory and the flow of his intellect.”

The special importance that this subject has in Ibn Ḥazm's œuvre is well known. He dedicates complete chapters to it in some of his writings, such as *al-Durra* (→ 24). It is therefore plausible that he should produce some specific text relating to the divine names. For Ibn Ḥazm there were ninety-nine, for so says the *ḥadīth*; this number is not indicative of the fact that divine names are numerous or uncountable, or that anyone who counts them will enter Paradise. He refuses, moreover, to attribute names to God that do not appear expressly in the revelation, in the same way that he rejects any interpretation of the names based on human knowledge.

◆ 8. *Asmāʾ al-ṣaḥāba al-ruwāt wa-mā li-kull wāḥid min al-ʿadad*

This short treatise has no title, and the one we provide here is that chosen by the editors. Chejne, however, called it *Asmāʾ al-ṣaḥāba wa-ruwāt wa-mā li-kull minhum min al-aḥādīth* (*Ibn Ḥazm*, 302).

It was first published by Iḥsān ʿAbbās and Naṣīr al-Dīn al-Asad in *Jawāmiʿ*, 275–315, based on Mss. Dār al-Kutub (Cairo) # 254, *ḥadīth*, letter *jīm*, and # 251 *ḥadīth*, letter *dāl*. Kisrawī Ḥasan later republished it with the same title (Beirut: Dār al-Kutub al-ʿilmiyya, 1992), with indices and a useful biographical sketch of each of the transmitters mentioned in Ibn Ḥazm's list. The edition is based on Ms. Dār al-Kutub (Cairo) # 254 *ḥadīth*. [microfilm # 46209]. It consists of only ten folios plus the title page containing the title, the name of the author and the date of the copy, 755/1354–5.

Kisrawī Ḥasan points out that this work is quoted by numerous scholars, including the famous traditionist, historian and man of letters from Cairo, Ibn Ḥajar al-ʿAsqalānī (d. 852/1449), who also borrowed from the work.

Ibn Ḥazm provides the following heading: “Memorandum of those among the companions—may God be satisfied with them—who transmitted the word of the Prophet—God’s prayer and peace be upon him—in one or more *ḥadīths*, which then have been transmitted to us, ranked by those who transmitted several thousand, two thousand, one thousand, and less” (ed. Ḥasan, 37). The work consists, indeed, of a simple list of names and numbers, in which Ibn Ḥazm gives the name of each transmitter followed by the number of traditions he transmitted. The list is ranked in descending order of the transmitters, beginning with those who passed on several thousand *ḥadīths*, then two thousand, then a thousand, then 100, tens, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and, finally, one single *ḥadīth*. Abū Hurayra tops the list with 5,374 *ḥadīths*, followed by Caliph ‘Umar b. al-Khaṭṭāb with 2,630; Mālik b. Anas with 2,286; ‘Ā’isha with 2,210; Ibn ‘Abbās with 1,660; etc. It should be pointed out that Ibn Ḥazm, like other traditionists, also includes female transmitters, whose role in this respect was noteworthy. Of the total of 1,018 transmitters recorded, 67 are female, the majority of whom have only one *ḥadīth*, although ‘Ā’isha is credited with 2,210, Umm Salama with 378, Asmā’ bint Yazīd with 81, Maymūna 76, etc.

It appears that the number of transmitters of *ḥadīths* was around 1,500 or 2,000, although some try to raise the figure to 4,000. According to the editor, Kisrawī Ḥasan (intro. 11), the list offered here by Ibn Ḥazm consists in fact of a re-ordering of the *Musnad* of Baqī b. Makhlad, of whom we know that he is considered by Ibn Ḥazm as the leading authority on the matter; Ibn Ḥajar al-‘Asqalānī refers to Ibn Ḥazm’s text as “*Tartīb Musnad Baqī b. Makhlad*” (→ 1).

◇ 9. *Kitāb al-Āthār allātī ṣāhiruhā al-ta’arūḍ wa-naḥy al-tanāquḍ ‘anhā*

Al-Dhahabī quotes it thus (*Siyar*, 18/194), maintaining, moreover, that the work consisted of no less than 15,000 folios, although it remained unfinished. Judging by the title, it must have been a comprehensive work about *ḥadīth*, one of the main preoccupations of Ibn Ḥazm, this time devoted to the traditions which in their literal meaning appear to contain contradictions; the Cordoban scholar would then proceed to solve the alleged contradiction.

◆ 10. *Juz’ fī Awhām al-Ṣaḥīḥayn*

According to Iḥsān ‘Abbās (intro. to *Rasā’il*, 1/13), the title is attributed to Ibn Ḥazm by Abū ‘Abd al-Raḥmān Ibn ‘Aqīl (“Mu’allafāt al-Imām Ibn Ḥazm al-maḥqūda”), although Ibn ‘Aqīl fails to provide a reference.

The text was published in *Sharḥ 'uqūdat al-Imām Mālik al-Ṣaghīr Abī Muḥammad 'Abd Allāh b. Abī Zayd al-Qayrawānī*, li-Abī Muḥammad 'Abd al-Wahhāb b. 'Alī b. Naṣr al-Baghdādī al-Mālikī. Wa-yaliḥā *Juz' fī l-awḥām allatī waqa'at fī l-Ṣaḥīḥayn wa-Muwatṭa' Mālik*, li-Abī Muḥammad 'Alī b. Aḥmad b. Sa'īd b. Ḥazm al-Qurṭubī wa-Abī Bakr Aḥmad b. 'Alī b. Thābit al-Khaṭīb al-Baghdādī, riwāyatan 'an Abī Ṭāhir Aḥmad b. Muḥammad al-Silafī 'an Abī l-Ḥasan Muḥammad b. Marzūq al-Za'farānī, eds. Abū Uways Muḥammad Bū Khabza al-Ḥasanī al-Tiṭwānī, Abū l-Faḍl Badr al-Ṭanjī and Abū l-Faḍl Badr al-'Umrānī, Beirut: Dār al-kutub al-'ilmiyya, 2002.

◆ 11. *Risalatān Ajāba fihimā 'an risālatayn su'ila fihimā su'āl ta'nif*

Ed. Iḥsān 'Abbās, *Rasā'il*, 3/73–116. Cf. Asín Palacios, "Un código," pp. 15–18.

This is in fact one letter—not two—written in question and answer form, which gives an example of the purpose and nature of Ibn Ḥazm's arguments. The epistle is another reply to those who attack him for his attitude towards the Mālikī jurists and theologians. Ibn Ḥazm defends himself by stating that the whole truth is contained in the Qur'ān and in the tradition of the Prophet, and that the exegesis of both must be done literally and without recourse to any other human authority. However, Ibn Ḥazm also insists on the importance of reading books of logic, and of paying attention to peoples other than the Muslims, since it is necessary for the seeker of truth to take note of the points of view of all of them, and to recognise when they show proof of what they state.

◇ 12. *Risāla fī Āyat "Fa-in kunta fī shakkin mim mā anzalnā ilayka"* [Q 10:94]

This is attributed to him by Ibn 'Aqīl ("Mu'allafāt al-Imām Ibn Ḥazm al-mafqūda"), again without reference (see Iḥsān 'Abbās, intro. to *Rasā'il*, 1/12). It may be a commentary on this verse, in which God addresses the Prophet, recommending him to turn to the people of scripture in order to resolve his doubts about the revelation.

• *Ajwiba*

Al-Afghānī (*Ibn Ḥazm*, 51) and later Chejne (*Ibn Ḥazm*, 301) mention, without giving any references, some "Replies" of Ibn Ḥazm; these may well be the *Risālatān* referred to above (→ 11), or other similar texts, such as *al-Risāla al-Bāhira* (→ 14), written in question and answer form, which is a common style in the pedagogical and polemical literature of the Cordoban *faqīh*. Similarly, it could be the replies on the *Ṣaḥīḥ* of al-Bukhārī, on which we shall comment next (→ 13).

◇ 13. *Ajwiba 'alā Ṣaḥīḥ al-Bukhārī*

This is mentioned by Ibn Ḥajar al-'Asqalānī in *Fatḥ al-Bārī bi-sharḥ Ṣaḥīḥ al-Bukhārī*, 1/17. See Iḥsān 'Abbās, intro. to *Rasā'il*, 1/12. It must have been

a work in which Ibn Ḥazm answered various questions posed in the very famous and widely-commented collection of prophetic traditions known as *Ṣaḥīḥ al-Bukhārī*.

◆ 14. *al-Risāla al-Bāhira fī l-radd ‘alā ahl al-aqwāl al-fāsida*

Ms. Bodleian Library, Marsh # 342, ff. 144a–173a, copied in Ṣafar 763/November–December 1361 by a certain Ārquṭāy b. Rajab. Ed. Muḥammad al-Ma’sūmī (*Majallat majma’ al-lughā al-‘arabiyya* (Damascus) 64 (1409/1988–9), pp. 3–78), with a useful index of people cited in the text, with brief biographies and in alphabetical order. **For an edition and translation, see *Ibn Ḥazm’s al-risāla al-bāhira: The magnificent epistle*. Trans. for the first time with an introduction and notes by Muhammad Saghīr Hasan al-Ma’sūmī, Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1996.**

Ibn Ḥazm opens this treatise, consisting of some 40 pages, with a scorching rebuke in rhyming prose against those who argue about the superiority of Mālik, Abū Ḥanīfa, al-Shāfi‘ī, Aḥmad Ibn Ḥanbal or Dāwūd, dividing Islam from within. They do not expect anyone to oppose them, but here he is, ready to reply to their nonsense. This being the case, Ibn Ḥazm dedicates his *Magnificent Epistle* to demolishing all the arguments in favour of the superiority or inferiority of one or other of the founders of the legal schools of Islam. For him, those who are truly superior are the prophets and the revealed texts. He organizes the epistle, as many of his other works, into questions about the subject raised, which he proceeds to answer one by one, always referring back to the absolute priority of the Qur’ān and the *sunna*. The companions of the Prophet hold a higher rank as far as knowledge (*‘ilm*) of the revelation is concerned than the imams mentioned. Ibn Ḥazm nevertheless speaks highly of Dāwūd’s devotion to the *sunna* and the consensus of the scholars (*ijmā’*), and of the fact that he never falls into the error of personal opinion (*ra’y*) nor of imitation (*taqlīd*) of anybody. He also shows his preference for al-Shāfi‘ī, and then Aḥmad Ibn Ḥanbal, offering as proof details on the contributions of each of them, with Mālik coming out as the least-valued, according to Ibn Ḥazm’s particular incisive criticism.

► 15. *Kitāb al-Balāgha*

This is included as Part 6 in *Taqrīb*; ed. Iḥsān ‘Abbās, *Rasā’il*, 1/351–53.

In his treatise on logic (*Taqrīb*) (→ 123), Ibn Ḥazm introduces an outline of rhetoric in the place which this discipline would occupy within the Aristotelian *Organon*, although he shows that he is not familiar with the Greek philosopher’s *Rhetoric* nor with his *Poetics*. A detailed discussion of this tract may be found in my “Art and Aesthetics” in this volume.

◇ 16. *al-Risāla al-Balqā' fī l-radd 'alā 'Abd al-Ḥaqq Ibn Muḥammad al-Ṣiqillī*

It is al-Dhahabī (*Sīyar*, 18/195) who records this title, specifying that it comprised one small volume. The epistle appears to be a riposte to the ideas contained in the writings of the Sicilian *faqīh* 'Abd al-Ḥaqq b. Muḥammad b. Hārūn al-Sahmī al-Ṣiqillī (d. Alexandria 466/1074), the author of works such as *al-Nukat wa-l-furūq li-masā'il al-Mudawwana*, *Tahdhīb al-tālib*, etc. (Kaḥḥāla, *Muḥjam*, 5/94), in which he deals with juridical questions.

◇ 17. *Bayān al-faṣāḥa wa-l-balāgha, Risāla fī dhālika [al-faṣāḥa wa-l-balāgha?] ilā Ibn Ḥafṣūn*

In a confusing manner, al-Dhahabī (*Sīyar*, 18/197) first mentions a work on eloquence and rhetoric and then immediately adds the expression quoted above which seems to indicate that this work was a letter on the subject addressed to Ibn Ḥafṣūn; we do not know if the latter is the famous local chieftain who rebelled against the Umayyads in the third/ninth and fourth/tenth century, some member of his family, or some other namesake. According to al-Dhahabī, the work in question was a booklet or single-quire book (*juz' aw kurrās*). We cannot rule out the possibility that he is informing us of the existence of two different works about rhetoric, the second of them being a letter addressed to this person.

Even so, the only specific text on rhetoric that we know from Ibn Ḥazm is the short summary of this discipline that he includes at the end of the *Taqrīb* with the title of *Kitāb al-Balāgha* (→ 15). The text referred to by al-Dhahabī may be this same section of the *Taqrīb*, or else it may be another treatise which has not come down to us.

On Ibn Ḥazm's rhetoric, see al-Dāya, *Tārīkh al-naqd al-adabī*, 210; 'Abbās, *Tārīkh al-naqd al-adabī*, 485–86; Puerta, *Historia*, 173–74.

◆ 18. *Risālat Bayān 'an ḥaqīqat al-īmān*

Published by Iḥsān 'Abbās, *Rasā'il*, 3/187–203. Chejne (*Ibn Ḥazm*, 304) suggests that this may be identical with *Mas'alat al-īmān* mentioned by al-Dhahabī (*Sīyar*, 18/196), who includes it among Ibn Ḥazm's booklets or single-quire books (*wa-mimmā lahu fī juz' aw kurrās*).

An epistle addressed to Abū Aḥmad 'Abd al-Raḥmān b. Khalaf al-Ma'āfirī al-Ṭulayṭulī, known as Ibn al-Ḥawwāt, a jurist and theologian from Toledo living in Almería, in which Ibn Ḥazm poses the problem of whether faith, based on authority without reasoning, is valid or not. He asserts the cognitive validity of the soul through the intellect (*'aql*), which is an accident of

the soul: “The intellect does not render anything forbidden or compulsory, for it is one of the accidents that are attributed (*maḥmūl*) to the soul; it is impossible for accidents to judge, to compel or legislate; [it may be said that] the intellect is knowledge of things as they are, according to their qualities and nothing more” (194). Knowledge and faith are both granted by God.

◇ 19. *Bayān ghalat ʿUthmān Ibn Saʿīd al-Aʿwar fī l-musnad wa-l-mursal* Al-Dhahabī (*Ṣiyar*, 18/196) includes it among Ibn Ḥazm’s booklets or single-quire books (*juzʾ aw kurrās*).

This must have been one of the writings in which Ibn Ḥazm criticizes the famous Cordoban reciter of the Qurʾān Abū ʿAmr ʿUthmān, better known as al-Dānī (b. 372/981–2, d. 444/1053). Both al-Dhahabī (*Ṣiyar*, 13/81) and Ibn al-Jazarī (*Ghāya*, 1/505) allude to the bitter arguments between al-Dānī and Ibn Ḥazm, and agree that al-Dānī was more eloquent and orthodox, while Ibn Ḥazm was his superior in his command of sciences (cf. J. Vizcaino Plaza, “al-Dānī,” *Diccionario de Autores y Obras Andalusíes*, 1/152–60 # 77). Judging by the title, the reason behind Ibn Ḥazm’s criticism of al-Dānī appears to focus on the latter’s errors when dealing with the chains of transmission of the *ḥadīths*, both uninterrupted or going back to the second generation after Muḥammad. Although it is noteworthy that Ibn Ḥazm calls his opponent “the One-eyed,” which al-Dānī’s biographies do not report, this may well be an example of Ibn Ḥazm’s habitual scornful descriptions of those whom he considered to be in the wrong.

◇ 20. *Kitāb Bulghat al-ḥakīm*

Al-Dhahabī (*Ṣiyar*, 18/197) cites this title among the medical works mentioned by Ibn Ḥazm in his *Risāla fī l-Ṭibb al-nabawī* (→ 133).

► 21. *Dhikr awqāt al-umarāʾ wa-ayyāmihim bi-l-Andalus*

Iḥsān ʿAbbās (*Rasāʾil*, 2/191–208) reproduces the historical introduction that al-Ḥumaydī gave in his *Jadhwa* (10–34), in which the latter confesses that he made use of and copied this account of his master Abū Muḥammad Ibn Ḥazm.

Ibn Ḥazm begins by referring to the first Umayyad emir of al-Andalus, ʿAbd al-Raḥmān b. Muʿāwiya b. Hishām b. ʿAbd al-Malik b. Marwān, who would become known as “the Immigrant,” saying that he came to al-Andalus in the year 138/755, reporting some of the notable events of his biography and aspects of his character, affirming that he was just and that he had

some knowledge of literature (*adab*) and poetry (*shi'r*), and adding a poem written by the founder of the Umayyad dynasty of Cordoba (191f.). He then provides some brief information about the other emirs and some events of their reigns: from the son and successor of 'Abd al-Raḥmān I, Hishām, to the grave events of the *fitna*, the seizure of Cordoba by al-Mu'tamid of Seville, and the attempts to reinstate the Umayyads in different places, as was the case of the caliphates established in Malaga, Ceuta and Tangier, etc. In his account, Ibn Ḥazm, as usual, champions the legitimacy of the Umayyads, of whom he was a staunch defender.

► 22. *Dīwān*

Ibn Ḥazm's disciple al-Ḥumaydī (*Jadhwa*, 491) says that he had collected (*jama'nāhu*) his master's poetry by alphabetical order of the rhymes, although it would certainly not have been Ibn Ḥazm's complete poetry, since al-Ḥumaydī left al-Andalus on a pilgrimage to Mecca in the year 448/1048–9. Although this anthology of Ibn Ḥazm has not survived, we fortunately know several excellent examples of his poetry, which he included in *The Ring of the Dove* (→ 130) and other works. See Poetry (→ 95). ** The modern publication entitled *Dīwān Ibn Ḥazm* is a selection of poems included in the unique, but very late, manuscript of that title which, upon closer inspection, was found to contain not a few poems by Abū l-'Alā' al-Ma'arrī (d. 449/1057). See the editor's introduction to *Dīwān Ibn Ḥazm*, and al-Tāhir Aḥmad Makkī, *Dirāsāt 'an Ibn Ḥazm wa-kitābihi Ṭawq al-ḥamāma*, Cairo 1993, pp. 287–293.**

Dhū l-qawā'id → *Kitāb Durr al-qawā'id*

◇ 23. *Kitāb Durr al-qawā'id fī fiqh al-Zāhiriyya*

This is how the work is referred to by al-Dhahabī (*Sīyar*, 18/195), who adds that it consisted of a thousand folios. Just before, al-Dhahabī mentions a similar title, *al-Imlā' fī qawā'id al-fiqh* (→ 43), which he also says consisted of a thousand folios. This may be the same work, but we cannot venture to confirm this. Iḥsān 'Abbās, (intro. to *Rasā'il*, 1/12) considers this to be the same work that Ibn Ḥazm cites in *Iḥkām* (1/31, 3/57 and 5/31) as *Dhū l-qawā'id*.

Ibn Sahl, for his part, affirms in his manuscript rebutting Ibn Ḥazm's thought that "when he [Ibn Ḥazm] had composed his *Kitāb al-Qawā'id* according to his doctrine . . ., I saw one of the volumes in the house of a friend of mine in Cordoba and leafed through it" (Kaddouri, "Identificación," 310).

This confirms how voluminous the work was. In it Ibn Ḥazm also dealt with the legal conditions to be respected by *dhimmīs*, or non-Muslims, in Islamic states.

♦ 24. *Kitāb al-Durra fīmā yajibū i'tiqāduhu*

Eds. Aḥmad b. Nāṣir b. Muḥammad al-Ḥamad and Sa'īd b. 'Abd al-Raḥmān b. Mūsā al-Qazaqī, Cairo 1988, with a long introductory essay; ed. 'Abd al-Ḥaqq al-Turkmānī, Beirut 2009.

The editors take the title from the manuscript preserved in the Library of the al-Aqṣā Mosque (*qāf* 50 *bā'*) copied by a certain 'Alī b. Ayyūb al-Maqdisī sometime before 964/1539. The other extant copy, the manuscript of the Şehid 'Alī Paşa collection (Süleimaniye, Istanbul), is headed *Risālāt al-Durra fī taḥqīq al-kalām fīmā yalzam al-insān i'tiqāduhu*. The copyist of this codex is Muḥammad b. 'Alī b. al-Falūjī al-Dimashqī, a Shāfi'ī Qur'ān reciter from Damascus, who died in 951/1545 (cf. Ibn al-'Imād, *Shadharāt*, 8/294). Al-Dhahabī (*Sīyar*, 18/196) also gives the title in the same way as this manuscript, *al-Durra fīmā yalzam al-muslim*, specifying that the work consisted of “two parts” (*juz'ān*). Ibn Ḥazm, for his part, simply refers to this work as *Kitāb al-Durra* in *al-Muḥallā*, 1/57.

Asín Palacios also alluded to this work in “Un códice,” 7–8. Al-Afghānī (*Ibn Ḥazm*, 55) refers to it as *al-Durra fī taḥqīq al-kalām*; and later Chejne (*Ibn Ḥazm*, 305) confuses this with another title and, erroneously, considers it to be a different work by Ibn Ḥazm.

Ḥājji Khalifa (*Kashf*, 2/1148) states that Ibn Ḥazm wrote a commentary on *'Aqā'id al-Nasafi*, entitled *al-Durra*, and refers to Najm al-Dīn Abū Ḥafṣ 'Umar b. Muḥammad al-Nasafi's (d. 573/1177–8) concise theological tract, *al-'Aqā'id*, on which many commentaries have been written and which is considered a fundamental work on the subject. Since Ibn Ḥazm preceded al-Nasafi by nearly a century, Ḥājji Khalifa is clearly mistaken here.

In Ms. Şehid 'Alī Paşa Ibn Ḥazm mentions that he composed the work, or parts of it, in the year 443/1051–2. By contrast, the year given in the corresponding paragraph in Ms. al-Aqṣā is 453/1061–2: this may be due to a later correction by the author; a copyist's error seems unlikely since the dates are spelt out in words and not in figures (intro. to *Durra*, 103).

It should, however, be mentioned that the two manuscripts significantly differ from each other in length and division into chapters (*fuṣūl*). The possibility that several versions of the text originated with the author himself which might also explain the difference of the date of composition mentioned in the two manuscripts cannot be excluded.

The *Kitāb al-Durra* is a lengthy treatise dedicated to the diverse questions of *uṣūl al-dīn*; its purpose, frequent in Ibn Ḥazm's works, is to “com-

pile concise compendiums, abridged both verbally and in argument, easily understood and easily memorized, with the help of God." The author thus offers the reader an eminently useful work, through which to become familiar clearly and quickly with his doctrine in matters of *uṣūl al-dīn*, without having to go through the mass of pages that Ibn Ḥazm devotes to the subject in his more comprehensive works, as he admits in the introduction to the *Durra*.

The work consists of 98 chapters introduced by the aforementioned preface on the motive and method followed in composing it. It begins with a chapter on the proofs of the existence of the Creator and on His unicity, commenting on the ideas of philosophers and theologians. Then Ibn Ḥazm deals with the evidence that Muḥammad is the Messenger of God and the seal of the prophets. Here he goes into the complex problem of the revelation and its truthfulness. In this context the author emphasises the universality of the Islamic religion and its compulsory nature for all humans. He devotes succeeding chapters to the eternity of the revealed message, to faith, to the resurrection, to paradise and hell, and to many other doctrinal principles of Islam, such as the reward and punishment in the hereafter, the nature of the human soul according to the revealed texts, the refutation of metempsychosis, etc. which he also discusses in other works, e.g., *al-Uṣūl wa-l-furūʿ*, *al-Fiṣal*, etc. He goes on to deal with the question of the Holy Book, the Qurʾān, and how it contains the actual revelation; he refutes symbolic and hermetic interpretations and calls for it to be understood literally (*ʿalā l-ẓāhir*). He speaks, too, about the angels, about the prophets, about the fact that the names of God are 99 in number (Chapter XXV) according to the Book itself and the *sunna*, with the particular denial that the name is identical to what is named: thus Ibn Ḥazm denies any relationship of the divine names and attributes with the world as seen by mankind. In subsequent chapters the author deals with various of the divine attributes, with the fact that the Qurʾān is the word of God, and with many other subjects of Islamic dogma, such as destiny, divine creation, the condition of converts, with pardon, with the caliphate, which can only be held by men who have come of age and are in possession of their full mental faculties and of Qurashī stock (Chapter LXVII); on prophecy, where he declares that women can indeed be prophets, although there were no female messengers (*rusul*) of God (Chapter LXXIII). (On this, see Maribel Fierro, "Women as prophets in Islam," in M. Marín and R. Deguilhem (ed.), *Writing the Feminine: Women in Arab sources*, London, 2002, 183–98.) Ibn Ḥazm also deals with the Antichrist (*al-dajjāl*), and goes back to other classic themes of his such as the emphatic denial of *qiyās*, or analogy, when interpreting sacred texts;

and finally he recalls that religion comes down to three questions: what is obligatory (*farḍ*), what is forbidden (*ḥarām*) and what is permitted (*mubāḥ*), dividing what is permitted, in turn, into three categories: what is recommended (*mandūb*), what is to be rejected (*makrūh*) and what is permitted [in an absolute sense] (*mubāḥ*). He ends the work by recommending to Muslims: “obey [...] the word of your Lord [...], the traditions of your Prophet [...], and what was passed down by the companions, their successors, the first *faqīhs*, and the experts in canonical traditions and *sunna*” (435), and finally warns against heretical innovation and other evils which threaten Islam. As to the method he employs in the work, he defines each subject and approaches it according to the following bases: 1) the Qurʾān, 2) authentic *ḥadīth* (authentic in his eyes, but still at times debatable) and 3) the consensus of scholars (*ijmāʿ*). Nevertheless, students of his work normally caution that Ibn Ḥazm, while apparently inflexibly *Ẓāhirī* when commenting on the branches of the faith (*furūʿ*), when dealing with the fundamentals (*uṣūl*)—meaning matters of a philosophical dimension, such as the Creator or creation, the divine attributes, angels, divine will, etc.—comes across as inconstant, contrary to his own *Ẓāhirism* and differing from the scholars of Islam. This is due to his interest in logic, and in these questions he appears more favourable to the discourse of the Muʿtazilites and the *mutakallimūn*, whom he so often condemns. One of the many examples may be that of the prophecy of women, to which he also dedicates a chapter of the *Fīṣal* (→ 30); as we said, he accepts it, but denies that there were any messengers of God (*rusul*) and, as proof, offers consensus which in reality does not exist: for consensus also denies the possibility of prophecy in women. The same is the case of analogy (*qiyās*): all acknowledge it, except him. On these “contradictions” or peculiarities of Ibn Ḥazm’s *Ẓāhirism*, see the introduction to *Durra*, 130–44. Faithful to his *Ẓāhirī* approach, Ibn Ḥazm believes only in the letter of the Book, in the reliably established *sunna* and in the *consensus doctorum* (*ijmāʿ*) to set down the religious norm.

We may recall that the famous *qāḍī* from Seville, Ibn al-ʿArabī (b. 468/1076, d. 543/1148) composed a refutation of the *Durra*, *al-Ghurra fī naqḍ al-Durra*, as he tells us in his harsh criticism of Ibn Ḥazm included in *al-Qawāṣim wa-l-ʿawāṣim* (see al-Dhahabī, *Tadhkira* 3/229), after someone gave him this book of Ibn Ḥazm’s “about the creed” (*fī l-iʿtiqād*).

◇ 25. *al-Faḍāʾih*

This title was mentioned by Yāqūt in his *Muʿjam* (3/369) under the entry “Berbers” (*barbar*), where he notes that the Berbers committed outrages

(*faḍā'ih*), "some of which were mentioned by the imam of the Maghrib Abū Muḥammad 'Alī b. Sa'īd Ibn Ḥazm in a book (*kitāb*) which he has called *al-Faḍā'ih*" (cf. Iḥsān 'Abbās, intro. to *Rasā'il*, 1/11). This could, then, have been some text relating to the *fitna* which put an end to the Umayyad caliphate of Cordoba, but we cannot be sure of this on the basis of a single reference.

Risāla fī Faḍā'il al-Andalus wa-dhikr rijālīhā → *Risāla fī Faḍl al-Andalus wa-dhikr rijālīhā* (→ 26)

► 26. *Risāla fī Faḍl al-Andalus wa-dhikr rijālīhā*

This is the title mentioned by Ibn Khayr in his *Fahrāsa* (# 404), while al-Dhahabī (*Siyar*, 18/196), quotes it as *Faḍā'il al-Andalus* and includes it among Ibn Ḥazm's booklets or single-quire books.

This *Risāla* has been known ever since Dozy published the text of al-Maqqarī's *Nafḥ al-ṭīb* (Leiden 1855–61, 2/109–21), through which it has uniquely been preserved, as well as through the English translation by P. de Gayangos in his *History of Mohammedan dynasties in Spain* (London 1840, 1/168–90). It has been reedited by Iḥsān 'Abbās, *Nafḥ*, 3/158–79, and *Rasā'il*, 2/171–88. It was also published by Ṣalāḥ al-Dīn al-Munajjid under the title of *Faḍā'il al-Andalus wa-ahliḥā*, together with Ismā'il b. Muḥammad al-Shaḥundī's (d. 629/1231–2) *Risāla fī faḍl al-Andalus*, likewise preserved in al-Maqqarī (Beirut 1968). Ch. Pellat translated it into French: "Ibn Ḥazm, bibliographe et apologiste de l'Espagne musulmane," *Al-Andalus* 19 (1954), 53–102.

Composed at the court of Abū 'Abd Allāh Muḥammad b. 'Abd Allāh b. Qāsim, "Yumn al-Dawla," Lord of Alpuente (r. 421/1030–434/1042–3), who is mentioned in the introduction, this was a reply, according to al-Maqqarī, to a letter written by the North African Abū 'Alī al-Ḥasan b. Muḥammad b. Aḥmad b. al-Rabīb al-Tamīmī al-Qayrawānī to Ibn Ḥazm's cousin, Abū l-Mughīra, in which he alluded to the fact that the Andalusīs had been unable to show pride in their scholars, their virtuous men and their governors.

It was described by García Gómez as the "first, albeit brief, literary history of al-Andalus and the first attempt to defend the glories of Spain" (intro. to *El collar de la paloma*, 42). For Asín Palacios (*Abenházam*, 1/274), its contents "amount to a bibliographical review of Hispano-Muslim literature, classifying the main works of the principal authors within each scientific or literary genre." The work consists of into an introduction, two parts, and a conclusion. In the introduction the author describes how he found a document addressed to an Andalusī by a Tunisian author, in which the latter points out that the religious and secular scholars of al-Andalus had never produced any text capable of perpetuating the memory of its famous people nor of preserving their science. The answer to this accusation

is given by Ibn Ḥazm in his letter. In the first part he sings the praises of al-Andalus, where intellectual activity had been increasing for more than a century, to make it one of the most important cultural regions of the whole Islamic world of the time. In the second part he provides a bibliographic inventory, touching on such diverse subjects as theology and law, Qur'ānic exegesis, biography, grammar and lexicography, medicine, philosophy, poetry and history. To conclude, he declares the superiority of al-Andalus compared to Persia, Yemen and Syria, and produces another list of scholars and poets, comparing them with individuals from the Islamic East with whom they could be equated.

Ibn Ṣā'id wrote an appendix (*tadhyl*) to this letter, which was also included by al-Maqqarī immediately following that of Ibn Ḥazm (*Nafh* 3/179–86).

◇ 27. *Juz' fī Faḍl al-'ilm wa-ahlihi*

Iḥsān 'Abbās attributes of work of this title to Ibn Ḥazm in his introduction to *Rasā'il*, 1/12, but we have been unable to find any reference to it in the classical sources. In any case, Ibn Ḥazm was always a staunch defender of knowledge and science (*'ilm*), and harshly attacked those who followed paths in science which he considered mistaken.

◇ 28. *Fahrassa*

Asín Palacios (*Abenházam*, 1/272–73) indicated that this was mentioned by Ibn Khayr (d. 575/1179) in his *Fahrassa* (*Biblioteca Arabica-Hispana*, 9/429). This author from Seville says that he studied the index of works and teachers of Ibn Ḥazm with Shurayḥ, a disciple of Ibn Ḥazm. **See the contribution of Camilla Adang in this volume. ** Ibn 'Aṭiyya also attributed it to him under the title of *Barnāmaj*. For his part, al-Dhahabī speaks in his *Siyar* of the *Fahrassat Ibn Ḥazm* (see Iḥsān 'Abbās, intro. to *Rasā'il*, 1/10). Unfortunately, this *Fahrassa* or *Barnāmaj* of Ibn Ḥazm appears not to have survived.

◇ 29. *Kitāb al-Farā'id*

Al-Dhahabī (*Siyar*, 18/195) indicates that it was a single volume (*mujallad*). We should recall that in various works (and at encyclopaedic length in *al-Muḥallā* → 80) Ibn Ḥazm deals with religious precepts and duties such as prayer, alms, pilgrimage etc. Nor can it be ruled out that by *farā'id* he may be referring to one of the frequent treatises on the distribution of inheritance, a popular genre among legal scholars.

♦ 30. *Kitāb al-Fiṣal fī l-mīlāl wa-l-ahwā' wa-niḥāl*

The first edition is that of Cairo: al-Maktaba al-Adabiyya, 1317/1899–1900, in 5 volumes, which appeared with *al-Mīlāl wa-l-niḥāl* by al-Shahrastānī in the margins. This edition was based on an Eastern manuscript with numerous errors, particularly in proper names. Several reprints have been published, such as that of Beirut, Dār al-Fikr, 1980, 5 volumes in 3, from which we quote here. Based on the first Cairo edition, M. Asín Palacios produced an almost complete translation of the *Fiṣal*, *Abenházam de Córdoba y su "Historia crítica de las ideas religiosas"* 1–5, Madrid 1927–32 [repr. Madrid 1984], accompanied by an extensive study on the life, thought and works of Ibn Ḥazm. There are disagreements over the reading of the title as *al-Faṣl* or *al-Fiṣal*. We have opted for the latter interpretation, which was that chosen by Asín Palacios. Ibn Ḥazm quoted the *Fiṣal* on several occasions; specifically, according to the references supplied by Chejne (*Ibn Ḥazm*, 302–3), in *Iḥkām* (→ 38) (16, 17, 25, 36, 86, 94, 97, 129, 132, 344, 414, 445, 453, 472, 492, 659, 1147, 1148, and in *Taqrīb* (→ 123) (ed. Iḥsān 'Abbās, Beirut 1959, 27, 65, 180, 202). **Ljamaï (*Ibn Ḥazm et la polémique*, 43ff) has established that the work was composed between 418/1027 and 440/1048 and revised up until 450/1058. He has also drawn the attention of scholars to the significant differences between the manuscripts of the text that are due to Ibn Ḥazm's later revisions of the text. None of the available editions of the text accounts for these differences. Samir Kaddouri's current PhD project is devoted to the different recensions of the *Fiṣal* on the basis of all extant manuscripts of the text. On the *Fiṣal*, see now also van Ess, *Der Eine und das Andere*, 2/836–56).**

The work is also mentioned by Ibn Ḥazm's biographers, from his disciple al-Ḥumaydī (*Jadhwa*, 2/490) and Ibn Khāqān (*Maṭmaḥ*, 280), up to the later Eastern biographers, such as al-Dhahabī (*Sīyar*, 18/195), who abbreviates the title as *Kitāb al-Fiṣal fī l-mīlāl wa-l-niḥāl*, adding that it consisted of two large volumes (*mujaḥalladān kabīrān*) (in modern editions it runs to 1050 pages). Later, al-Baghdādī (*Hadīyya*, 1/690) who knew it in three volumes, and Ḥajjī Khalīfa (*Kashf*, 2/1820) mention a variant of the title: *Kitāb al-Fiṣal bayna ahl al-ahwā' wa-l-niḥāl*. Note also that some, like Tāj al-Dīn al-Subkī (d. 771/1380) in his *Ṭabaqāt al-shāfi'īyya al-kubrā*, considered the *Fiṣal* to be a highly pernicious work because, according to him, Ibn Ḥazm harshly criticizes the Sunnis and even accuses al-Ash'arī of being a heretical innovator (*bid'a*).

In the opinion of Asín Palacios, the *Fiṣal* is the greatest example of the knowledge and talents of the exceptional Cordoban author. The work falls unequivocally into the field of religious polemic, to which Ibn Ḥazm was so devoted; at the same time, it constitutes a tremendously important document in terms of the history of religions, and the foremost example, moreover, of Ibn Ḥazm's Zāhirī thought and theology.

The *Fiṣal* is indeed a systematic presentation of Ibn Ḥazm's thought, comparing the principles of Islam, as he interprets them, with the principal religions, monotheistic or otherwise, with different currents of philosophy and, more specifically, with other exegetic tendencies in Islam. This critical view of many other religious creeds, of which he discusses

fundamental details in order to refute them, led Asín Palacios to consider Ibn Ḥazm as “the first historian of religions” (*Abenházam*, 2/33).

The subjects dealt with in this great work are as follows:

PREFACE: Here Ibn Ḥazm gives an outline of the book and defines the principal religious attitudes of mankind, viz., the scepticism of the sophists towards reality; the atheism of the philosophers who confirm that the world is eternal; the deism of other philosophers who do not consider God to be the Creator of the whole world; the dualism of the Zoroastrians and Manicheans; the polytheism of trinitarian Christians; the monotheism of the Brahmins and the rationalists who deny the Prophet’s message; and the monotheism of the Jews and all those who accept the revelation of the prophets, with Islam as the culmination. Later, throughout the book, he talks of other attitudes, from religious indifference to various beliefs of the masses (and some scholars) about magic, enchantment, etc.

FIRST TREATISE of the *Fīṣal*: in Chapter I Ibn Ḥazm deals with apodictic proofs for knowing the truth, from the use of reason in childhood, to the higher forms of logical understanding; then, after arguing against sophist scepticism which denies the existence of any real truth (Chapter II), he devotes several chapters to criticizing ideas which defend the eternity of the world and do not accept the principle of God the Creator (Chapters III–VI). In Chapter VII he introduces his argument against Christians (Arianists, Samosatenites, Macedonians, Melkites, Nestorians, etc.), criticizing beliefs such as trinity, incarnation, and others; this is followed by his reply to the theories of the polygenism of the world, defending monogenism (Chapter VIII). From here onwards he devotes several chapters to the rebuttal of ideas contrary to prophecy (Chapters IX–XII) and to the defence of what he considers to be true religions (Chapter XIII). In this sense, he argues against Jews, Christians, Sabians and Zoroastrians, and defends the final nature of the mission of Muḥammad (Chapter XIV). The next controversy that Ibn Ḥazm deals with is directed against the contradictions of the Pentateuch and of the Gospels, comparing in detail the sacred texts of the three monotheistic religions (Chapters XV–XX). This first treatise of the *Fīṣal* concludes with a chapter (XI) about the historicity of the dogmas of Islam and other matters, such as the spread of the three monotheistic religions and the superhuman characteristics of Muḥammad, and with criticisms of astrology, the issue of the sphericity of the earth from the point of view of the revelation, the duration of the world, and the delights of paradise.

SECOND TREATISE: Ibn Ḥazm now deals with orthodoxy (*ahl al-sunna*) and Islamic sects (*Mu'tazila*, *Murji'a*, *Shi'a* and *Khawārij*) (Chapter I), and continues with a treatise on the unity of God and the negation of anthropomorphism, identifying in successive chapters the divine names and attributes (divine science, the names "He who Hears" and "He who Sees," divine life, the essence of God, and the generosity and power of God: Chapters III–X). In Chapter XII he tackles the theme of the Qur'ān and divine language, refuting the positions of the Mu'tazilites and the Ash'arites, and in Chapter XIII he gives his personal opinion on *i'jāz al-Qur'ān* which must be accepted because God decreed it so: the Qur'ān cannot be compared with anything at all, not with human rhetoric, nor with anything else of this world; its eloquence and style are excellent only in the sense that they express what God wants, but their perfection, and that of the world He created, transcends us, and we can do no more than bear witness to it. The following chapters are about the divine influence on human activity (XIV and XX) and the subject of freedom (XV–XIX). Then he deals with the justice of God in His providence (XXI), whether unbelief and sin are subject to the will of God (XXII) and with the controversy over absolute or moderate optimism concerning the salvation and grace that God grants or denies to the unbeliever (XXIV).

THIRD TREATISE: Ibn Ḥazm begins with a discussion of the essence, versions and problems of faith (Chapter I), and he continues in subsequent chapters to argue about the issue of faith with Murji'is, Ḥanafis and Ash'arites (Chapters I–III). He discusses the names of believer (*mu'min*) and *muslim* and the meanings of *īmān* (faith) and *islām* (Chapter IV), the opinions of the different schools on the relationship between faith and sin (V), excommunication (VI), the religiosity of the angels, houris and youths of the afterlife (VII). He then defends the impeccability (*iṣma*) of the prophets (VIII), reasoned faith and the validity of faith which is not reasoned (IX); he goes into the controversy about the rewards and punishments of the afterlife (X) and the subject of the faithfulness of God (*muwāfāt*), and into similar matters, such as that of the unbeliever who has not received the call to Islam (XII). He deals with the punishment and recording of human actions (XIII), the dwelling-place of the spirits (*barzakh*) (XIV), the salvation of children (XV), resurrection (XVI), the creation of Heaven and Hell (XVII) and the eternity of both and their inhabitants (XVIII).

FOURTH TREATISE: It opens with a discourse about the imamate and about the excellence of the companions of the Prophet (Chapters I–II), followed by a discussion about the legitimate procedures for the designation of the caliph (Chapter III), about the unjust caliph, rebellion against him and other related issues (holy war, pilgrimage, etc.) (Chapters IV–V).

FIFTH TREATISE: Here Ibn Ḥazm lists and criticizes what he sees as Islamic heresies: Shī'ites and their tendencies (Chapter I), to whom he attributes Jewish origins; Khārijites and their sects (Chapter II), Mu'tazilites, Ibn Masarra (Chapter III), Murji'ites and their schools, refuting the errors of, among others, al-Bāqillānī and al-Ash'arī (Chapter IV); and finally he includes a criticism of the Sufis (Chapter V).

SIXTH TREATISE: on magic and miracles (I), jinns and Satan (II), on Ash'arite occasionalism, nature and custom (III), on the prophetic inspiration of women (IV), on visions in dreams (V), on the most excellent creatures (VI), on poverty and wealth (VII), on the name and the thing named (VIII), on the unlawfulness of astrology and the lawfulness of astronomy, and a criticism of horoscopes (IX), on the divine act of creation (X), on beings and their annihilation (XI–XII), on infinite ideas (XIII), on universals, arguing with the Ash'arites (XIV), on continuous divine creation (XV), on movement and rest (XVI), on effective causality (XVII), on the penetrability and closeness of bodies (XVIII), on change (XIX), on movement by *ṭafra* (jumping) (XX), on the meaning of the word “man” (*insān*) (XXI), on accidents (XXII), on the soul, in a long section (XXIII–XXIV), on the atom (XXV), on knowledge (XXVI), on the equivalence of proof (*takāfu' al-adilla*) (XVII) (**cf. Moshe Perlmann, “Ibn Ḥazm on the equivalence of proofs,” *Jewish Quarterly Review* 40 (1949–50), 279–90**), on colours (XVIII) and, to close the work, a discourse on the generation of living beings (XIX).

The *Fiṣal* is, together with the *Ring of the Dove* (→ 130), although for very different reasons, the most characteristic work of Ibn Ḥazm, in spite of the fact that we possess other important works of his.

◇ 31. *Ghazawāt al-Manṣūr Ibn Abī 'Āmir*

We have only seen it mentioned by al-Dhahabī (*Siyar*, 18/197), who includes it among Ibn Ḥazm's booklets or single-quire books.

Since it has not survived, we can say nothing about its contents, although it is possible that it was a short essay within the historical genre char-

acteristic of Ibn Ḥazm. He may have enumerated in it, and commented upon, the military campaigns carried out by **his father's employer**, the famous 'Āmirid chieftain al-Manṣūr (d. 393/1002), who is said to have died, in fact, on his fiftieth campaign.

♦ 32. *Risāla fī l-Ghinā' al-mulhī, a-mubāḥ huwa am maḥzūr?*

Ed. Iḥsān 'Abbās, *Rasā'il*, 1/430–39; trans. into Spanish by Elías Terés as "La epístola sobre el canto con música instrumental de Ibn Ḥazm de Córdoba," *Al-Andalus* 36 (1971), 203–14. The text may well be connected with, or actually be the same as, the work attributed to Ibn Ḥazm by Ḥajjī Khalifa (*Kashf*, 2/1001) with the title of *Mas'alat al-samā'*, to which Asín Palacios refers (*Abenḥázam*, 1/263) and which he translates as "Book on the question of the legality of singing."

This is a work in which Ibn Ḥazm considers whether singing for amusement is permissible or not, following a controversy which had arisen in Islam and which exercised the minds of leading figures in the Islamic world, and in which Ibn Ḥazm supported those who defended the legality of this artistic pursuit. He collects various *ḥadīths* against singing and music, rejects them as apocryphal, and maintains that the Prophet valued human activities according to their intention. His analysis is based on five rulings: what is imposed, what is forbidden, what is advised, what is not advised, and what is permissible. **The tract is quoted with approval by Yūsuf al-Qaraḏāwī in the section on music in his well-known book *al-Ḥalāl wa-l-ḥarām fī l-Islām* but is sharply condemned by Muḥammad Nāṣir al-Dīn al-Albānī (d. 1999) in his *Taḥrīm ālāt al-ṭarab*. Cf. the forthcoming study by Camilla Adang, "Al-Albānī and the sound of music: an ancient polemic rekindled"***.

◇ 33. *Kitāb Ḥadd al-ṭibb*

It is al-Dhahabī (*Sīyar*, 18/198) who claims to have read this title of medical theory by Ibn Ḥazm, quoted by the author in his lost *Risāla fī l-ṭibb al-nabawī* (→ 133).

◇ 34. *al-Ḥadd wa-l-rasm*

Al-Dhahabī (*Sīyar*, 18/197) includes this title among the booklets or single-quire books (*mimmā lahu fihā juz' aw kurrās*) of Ibn Ḥazm, and it may well be one of his works on logic and philosophy of language applied to the textual hermeneutics which abound in his books, in which he frequently deals with the two concepts, *al-ḥadd*, the definition or terminology of a syllogistic proposition, and *al-rasm*, description by means of the qualities and accidental features of the object defined.

♦ 35. *Kitāb Ḥijjat al-wadāʿ*

It was published by Mamdūh Ḥaqqī (*Ḥijjat al-wadāʿ: Makhtūṭ nādīr*, Damascus: Dār al-Yaqāza al-ʿarabiyya li-l-taʿlīf wa-l-tarjama wa-l-nashr, [1959]), based on various manuscript fragments which he collected in Istanbul, Madrid and the Sahara, to which he gives no further references. **More recent editions were published in 1998 (Riyad: Dār al-afkār al-dawliyya) and 2001 (*Ḥijjat al-wadāʿ: ka-annaka tushāhiduhā*, ed. Kisrawī Ḥasan, Beirut: Manshūrāt Muḥammad ʿAlī Bayḍūn, Dār al-kutub al-ʿilmiyya, 2001). On the work, see now also Camilla Adang, "The Prophet's Farewell Pilgrimage (*Ḥijjat al-wadāʿ*): The True Story, according to Ibn Ḥazm," *Jerusalem Studies in Arabic and Islam* 30 (2005), pp. 112–153.**

It appears quoted in the inventories of al-Baghdādī (*Hadīyya*, 1/690), al-Dhahabī (*Sīyar*, 18/194) and Ḥajjī Khalīfa (*Kashf*, 2/1410–11). The work is also mentioned by Asín Palacios (*Abenházam*, 1/263).

This is another of Ibn Ḥazm's works dedicated to the study of the life of the Prophet. In it, he reconstructs one of the famous episodes of his biography, that of the so-called *ḥijjat al-wadāʿ* or "farewell pilgrimage." As Ibn Ḥazm notes in the preface to the book, there are many *ḥadīths* about this sacred episode (*ʿamal muqaddas*) which cause confusion because they seem to contain contradictions and falsehoods. With his characteristic bent for clarification, organization and dissemination, which he again clearly proclaims, Ibn Ḥazm reconstructs step by step the Prophet's voyage, from his departure from Medina until his arrival at Mount ʿArafāt. Afterwards, Ibn Ḥazm returns with him to Medina, without forgetting a single detail relating to the pilgrimage. He bases his whole argument, as usual, on trustworthy *ḥadīths*, for which he produces the necessary chain of authentication. The text is a good example of the style and mentality of Ibn Ḥazm: clear, unequivocal, backed up by his comprehensive knowledge of the *ḥadīth* and the chains of transmission, which, once duly refined and checked, he raises to the category of a historical documental proof.

♦ 36. *Risāla ʿan ḥukm man qāla inna arwāḥ ahl al-shaqāʾ muʿadhdhaba ilā yawm al-dīn*

Ed. Iḥsān ʿAbbās, *Rasāʾil*, 3/219–30. This may be the same text as that cited as *Risāla fī Arwāḥ al-ashqiyāʾ* in Iḥsān ʿAbbās, *Rasāʾil*, intro. 1/6, according to Ms. Şehid Ali Paşa # 2704, in which various themes of the *Fīṣal* are taken up again. Indeed, Ibn Ḥazm deals with this same subject in the *Fīṣal*, 3/83, in the chapter entitled *al-Kalām fī baqāʾ ahl al-janna wa-l-nār abadan*; he evidently deals with the question in the epistle in greater detail than in his *Fīṣal*.

This treatise contains Ibn Ḥazm's replies to queries that were presented to him on eschatological matters and cases of conscience, the former giving the text its title. Here, Ibn Ḥazm accepts the reality of all those spiritual forms explicitly mentioned in the Qurʾān. He refrains, however, from accepting the existence of imaginary forms or of mystical lucubra-

tions, which as far as he is concerned are simply ramblings, divorced from reality.

Risāla fī dhālika ilā Ibn Ḥafṣūn → *Bayān al-faṣāḥa wa-l-balāga* (→ 17)

◇ 37. *Kitāb Ibtāl al-qiyās wa-l-ra'y wa-l-istihsān wa-l-taqlīd wa-l-ta'līl*

A manuscript of this work is preserved in the collection of Forschungsbibliothek Gotha (# 640). It was studied by Ignaz Goldziher, who published some of the most important passages (*Zāhirīten*, Appendix, 207–30 ** = *The Zāhiris*, Supplements I_III, 190–203**).

We know more about this book, whose theme is paramount in the thought and *Zāhirī* system of Ibn Ḥazm, through a summary produced by the author himself, which bears the title of *al-Nukat al-mu'jaza fī naḥy al-ra'y wa-l-qiyās wa-l-ta'līl wa-l-taqlīd* (→ 94), and which has been published by Ṣā'id al-Afghānī (Damascus 1960, and Beirut 1969).

◆ 38. *al-Iḥkām li-uṣūl al-aḥkām*

Ed. Aḥmad Muḥammad Shākir (8 parts in 2 vols., Cairo: Maṭba'at al-sa'āda, 1345–8/1926–30, **with numerous reprints**), and republished with an introduction by Iḥsān 'Abbās in Beirut (Dār al-afāq al-jadida, 1980) replacing the particle *fī* in the title by *li*—which is how Ibn Ḥazm and the majority of classical sources refer to it.

Ibn Ḥazm cites it in the *Fiṣal* (→ 30) (3/76, 254), and in *al-Muḥallā* (→ 80) (1/57), which indicates that it was one of his major works prior to these two important encyclopaedias. The work was written from 430/1038 onwards, and completed somewhat later than 437/1046 (Kaddouri, “*Identificación*,” 309). **Cf. Ljamai (*Ibn Ḥazm et la polémique*, pp. 59ff) who dates its composition to 430/1038.**

Almost all his biographers mention the *Iḥkām* and accord it an outstanding place among his *œuvre*, namely al-Ḥumaydī (*Jadhwa* 2/390), Ibn Khāqān (*Maṭmaḥ*, 280) and al-Dhahabī (*Sīyar*, 18/195; and *Tadhkira*, 3/227 # 1016), who adds that it consisted of two volumes (*mujalladān*). It is also mentioned by Ḥājji Khalīfa (*Kashf*, 1/21), al-Baghdādī (*Hadiyya*, 1/690) and most later bibliographers, as the Arabic Islamic tradition considered it as one of the author's foremost works. His disciple al-Ḥumaydī had already commented that this was a book “which reaches a high point of research and reasoning” on the subjects dealt with, a view later repeated by Ibn Khallikān (*Wafayāt*, 3/325).

And so it is, for the *Iḥkām* is a veritable display of the theoretical capacity of Ibn Ḥazm, who avoids here the popular tone of many other works of his, to offer us a painstaking treatise on the fundamentals of Islam, in which he reflects on the principles of *fiqh* with the greatest degree of

logical and argumental seriousness, making it one of the richest, most profound and most difficult works of Ibn Ḥazm within this genre.

Ibn Ḥazm wrote the *Iḥkām* when many of his books had already been completed. In this work he refers to the *Īṣāl* (→ 47) (*Iḥkām*, 1/72, 4/161), he quotes his *Taqrīb* (→ 123) as a preamble from the logical angle to tackle all arguments of a religious nature or otherwise, and he refers to the *Fīṣal* (→ 30), which he devotes to the errors and false interpretations of different schools, compared with those that in his view offer the logical and correct solution. There remains a third step, as Iḥsān ‘Abbās points out (intro. to *Iḥkām*, *dāl*): this is the one he approaches with the *Iḥkām*, viz. the clarification of the legal fundamentals of Islam in a systematic and precise way, together with a debate, based on the *sunna*, of the differences of opinion that have developed on this important subject. To this end Ibn Ḥazm spreads the contents of his work over 40 chapters which may be divided into two main parts:

PART ONE: containing the preface and presentation of the book and its contents (Chapters I–II), followed by discussions on the true knowledge of reason (*‘aql*) (Chapter III), on the origin of languages (Chapter IV), on the common terminology of theoreticians (*ahl al-naẓar*) (Chapter V), on whether prohibition or permission are the province of reason (*‘aql*) or of the Creator (Chapter VI), on the fundamentals of religion (Chapter VII), on the concept of elucidation (*bayān*) (Chapters VIII–IX), on the compulsory acceptance and application of the Qur’ān (Chapter X), on the *sunna* and the differences of opinion between the imams (Chapter XI), on the prescriptions and proscriptions to be found in the Qur’ān and the *sunna*, taking them literally (*bi-l-ẓāhir*) (Chapters XII–XV), on metonymy, metaphor and simile (Chapters XVI–XVIII), on the acts of the Prophet (Chapter XIX), on abrogation (*naskh*), on the similarities in the Qur’ān and the *ḥadīth* (Chapter XX), on the consensus of the scholars (*ijmā’*) (Chapters XXII–XXIV), refutation of divergence (*ikhtilāf*) and the condemnation of deviations, errors, distortions, etc. (Chapters XXV–XXVIII), on theoretical proof (*dalīl naẓarī*) and the difference between this and analogy (*qiyās*) (Chapter XXIX), on the legal obligations for every Muslim and for every human being (Chapter XXX), on the training and characteristics of the expert in law, or *faqīh* (Chapter XXXI), on voluntary or involuntary errors, on intentionality (*niyya*) (Chapter XXXII). In the entire first part he thus deals with fundamental matters concerning the knowledge with which we shall later understand the revealed commandments, the ways of worshipping God, the Qur’ān and the *sunna*, with their prescriptions and proscrip-

tions, how to identify them correctly, as well as other essential points such as the abrogating and the abrogated verses, the consensus of the scholars, the conditions of the *faqīh*, etc.

PART TWO. Here he deals with those aspects of religion on which different schools are in error: the laws of the prophets prior to Muḥammad (Chapter XXXIII), followed by various chapters on the different ways of interpreting the scriptures, viz., caution (*ih̥tiyāt*) and excuses (Chapter XXXIV), preference (*istiḥsān*), deduction (*istinbāt*) and opinion (*ra'y*) (Chapter XXXV), imitation (*taqlīd*) (Chapter XXXVI), discursive proof (*dalīl al-khiṭāb*) (Chapter XXXVII), the invalidation of analogy (*qiyās*) (Chapters XXXVIII–XXXIX), and on the error of resorting to *ijtihād* or interpretation not based on the Qur'ān, the *sunna*, and consensus but on analogy (*qiyās*) (Chapter XL). Whereas in the first sections he defines concepts in order to avoid confusion, he refutes in the second the use of those hermeneutic principles that he attacks so strongly in many of his works. Ibn Ḥazm gives in this work what seems to be his most complete expression of the theoretical principles that make up his Zāhirism, and which he reinforces with logic and the principle of non-contradiction. His maturity and meticulousness lead him in the *Iḥkām* to carry out rigorous lexicographical studies, with his personal ideas on simile and metaphor (*Iḥkām*, 4/28–39), his emphatic denial of the existence of etymological derivation (*ishtiqāq*) (*Iḥkām*, 4/13), etc. Ibn Ḥazm also expounds some striking ideas, such as that the Qur'ān, if translated, ceases to be a miracle (*mu'jiza*) and thus loses its sacred character. Thus to comment on the Qur'ān in another language is permissible, but not its recitation in a language other than that of the revelation (*Iḥkām*, 3/88). Precepts such as the struggle for the faith (*jihād*) are also the responsibility of women, for the Qur'ān is addressed to both sexes (*Iḥkām*, 3/88). Iḥsān 'Abbās (intro. to *Iḥkām*) underlines the strong personality that Ibn Ḥazm reveals in this work as well as his originality, which comes across in his criticisms.

◇ 39. *Kitāb Ikhtilāf al-fuqahā' al-khamsa: Mālik wa-Abī Ḥanīfa wa-l-Shāfi' wa-Aḥmad wa-Dāwūd*

Cited as such by al-Dhahabī (*Sīyar*, 18/194).

According to its title this book, which is lost, must have dealt with the disagreements which existed between the founders of the five juridical schools: **Mālikism, Ḥanafism, Shāfi'ism, Ḥanbalism** and Zāhirism, whose founder was Dāwūd. Ibn Ḥazm was always opposed to the existence of differences of opinion (*ikhtilāf*) when interpreting the revealed

texts and drawing the appropriate juridical conclusions. Diverging from literalism and logic and relying on analogy and personal opinion are the causes which lead to these discrepancies that are harmful to Islam.

◇ 40. *Kitāb Ikhtiṣār kalām Jalīnus fī l-amrād al-ḥadda*

Al-Dhahabī (*Siyar*, 18/197) says he read this title among the medical works that Ibn Ḥazm mentioned in his *Risāla fī l-ṭibb al-nabawī* (→ 133).

We should remember that his extant treatise on the curing of souls (*Risāla fī Mudāwāt al-nufūs*) (→ 78) also falls within the Galenic view.

◆ 41. *Risāla fī l-Imāma*

Ed. Iḥsān ‘Abbās, *Rasā’il*, 3/207–16. A new edition with commentary by ‘Abd al-Fattāḥ Abū Ghudda was published in 1996, together with the treatise on the imamate by Ibn Taymiyya (*Risālat al-ulfa bayna al-Muslimīn wa-fihā amr al-Islām bi-l-tawḥīd wa-l-ittilāf wa-ḥaṣṣu al-tanāzu’ wa-l-tafarruq ‘inda l-ikhtilāf, min kalām Aḥmad b. Taymiyya al-Ḥarrānī al-Dimashqī. Wa-yalīhi Risāla fī l-imāma fī jawāz al-iqtidā’ bi-l-mukhālīf fī l-furū’, ta’līf Abī Muḥammad ‘Alī b. Ḥazm al-Andalusī al-Zāhiri*, Aleppo 1996). For this treatise of Ibn Ḥazm, see also Asín Palacios, “Un código,” 19–20; Khalīfa, *Ibn Ḥazm*, 130, Chejne, *Ibn Ḥazm*, 304, although the latter confuses it with the chapter of the *Fiṣal* on the imamate.

Camilla Adang is preparing a translation and analysis of this epistle.

In this treatise, the author deals with specific questions raised concerning the imam, such as when the worshippers behind the imam are unaware of the juridical school to which he belongs and when he considers it permissible to perform ablutions with wine or using the stagnant water from a *ḥammām*, and other such “heterodoxies.” In most cases Ibn Ḥazm does not consider it unacceptable to worship with an imam of this type, for many of the same things might have been done by the companions of the Prophet and their followers of the next generation. The treatise, presented in the form of questions and answers, deals with other matters, such as the division of the *umma* into 73 groups; or the issue raised by a Mālikī about granting the title of “Prince of Muslims in science” to Mālik: Ibn Ḥazm rejects this, arguing that such a title corresponds only to the Prophet, and that many imams came afterwards, some even more important than Mālik, none of whom were granted this rank.

We should mention that in his *Fiṣal* (→ 30) (4/87–111) Ibn Ḥazm devotes a section to the imamate [in the sense of caliphate], entitled *al-Kalām fī l-Imāma wa-l-mufaḍḍala*, although its contents differ considerably from the present treatise. In the *Fiṣal*, the author deals with the need for the imamate and the conditions established by the revealed texts in order to guarantee its legitimacy, criticising erroneous or deviant opinions concerning this principle of the direction and guidance of Islam.

◇ 42. *Kitāb al-Imāma wa-l-siyāsa/khilāfa fī qism siyar al-khulafā' wa-marātibihā wa-l-nadb wa-l-wājib minhā*

Ibn Bassām (*Dhakhūra*, 1/171), al-Baghdādī (*Hadiyya*, 1/690) and al-Maqqarī (*Nafḥ*, 2/79) list this title on a subject—that of the imamate and government (or caliphate in other versions)—to which Ibn Ḥazm devoted various texts, either separately or within larger works. The latter is the case with the section in the *Fiṣal* (→ 30) (4/87–111), where he discusses the imamate and the ranks of the imams, or his *Asmā' al-khulafā' wa-l-wulāt wa-dhikr mudadhihim* (→ 6). Asín Palacios (*Abenházam*, 1/268–9) and Khalifa (*Ibn Ḥazm*, 130) insist that the correct title is *al-Imāma wa-l-siyāsa*, as quoted, for example, by Ibn Bassām although in other sources we find *khilāfa* which for Asín Palacios would here be inadmissible because it is redundant ***imāma and khilāfa being synonyms***. It is difficult to conjecture what the contents of the work were, but from the title it appears to be another text on a subject which is fundamental for Ibn Ḥazm: that of the necessity, legitimacy and history of the imamate and the correct government of the Muslim community. Judging from the title, it must once again have dealt with the biographies of the caliphs; or it might equally well have been a text belonging to a longer work about the question of the caliphate.

◇ 43. *al-Imlā' fī qawā'id al-fiqh*

So cited by al-Dhahabī (*Siyar*, 18/195), who adds that it consisted of a thousand folios; the fact that he cites it just before the *Kitāb Durr al-qawā'id fī fiqh al-Zāhiriyya* (→ 23) appears to indicate that there were two titles on the same subject, although the similarity between the two leaves us in doubt, for want of further information, as to whether it was the same work, two reviews of the same subject, or two entirely separate books.

◇ 44. *Kitāb al-Imlā' fī sharḥ al-Muwatta'*

So cited by al-Dhahabī (*Siyar*, 18/195), who adds that it comprised a thousand folios (*alf waraqa*), which agrees with the large number of *ḥadīths* included in Mālik b. Anas's *al-Muwatta'*, which Ibn Ḥazm discussed here as the title suggests. Judging by the similarity of the subject indicated in the title, this work may be the same one as that mentioned in other sources as *Sharḥ aḥādīth al-Muwatta'* (→ 108).

Kitāb mā infarada bihi Mālik aw Abū Ḥanīfa aw al-Shāfi'ī → *Kitāb Ikhtilāf al-fuqahā' al-khamsa: Mālik wa-Abī Ḥanīfa wa-l-Shāfi'ī wa-Aḥmad wa-Dāwūd* (→ 39)

◇ 45. *al-Inṣāf [fī l-rijāl]*

Iḥsān ‘Abbās (*Rasā’il*, 1/13) found a reference to this work, which deals with transmitters of *ḥadīth*, in Ibn Ḥajar al-‘Asqalānī’s *Lisān al-mizān* (6/217).

◆ 46. *Kitāb al-‘Irāb ‘an al-ḥayra wa-l-iltibās al-mawjūdāyn fī madhāhib ahl al-ra’y wa-l-qiyās*

Chejne (*Ibn Ḥazm*, 304) refers for this title to Ibn Ḥazm, *Iḥkām* (→ 38) (567) and to *Muḥallā* (→ 80) (9/503). A fragment of the first volume of this work (214 ff.) is kept in the Chester Beatty Library in Dublin (# 3482). In the Khizāna al-‘amma (Rabat) there are two microfilms (## 1019 and 1016) containing two fragments of the first volume (Kaddouri, “Identificación,” 309). **Ed. Muḥammad b. Zayn al-‘Ābidīn Rustam in 3 vols., with an introduction by Zayn al-‘Ābidīn b. Muḥammad Bilā Furayj, Riyadh: Aḍwā’ al-Salaf, 1425/2005.**

This is another text refuting personal opinion (*ra’y*) and analogy (*qiyās*) as methods of drawing conclusions from the revealed texts by the different schools of jurisprudence. **It focuses especially on the use to which prophetic traditions are put by the Ḥanafis.**

◇ 47. *al-Īṣāl ilā fahm Kitāb al-Khiṣāl al-jāmi’a li-maḥṣal sharā’i’ al-islām fī l-wājib wa-l-ḥalāl wa-l-ḥarām*

This must have been Ibn Ḥazm’s longest book, which he quotes at various times, e.g., in the *Fīṣal* (→ 30) (1/114 and 4/172), in the *Iḥkam* (→ 38) (456, 520, 553, 629, 814) and in the *Muḥallā* (→ 80) (1/30; cf. Asín Palacios, *Abenházam*, 1/260, and Chejne, *Ibn Ḥazm*, 304). It is also mentioned by most biographers: al-Ḥumaydī (*Jadhwa*, 2/490), Ibn Khāqān (*Maṭmaḥ*, 280), al-Dhahabī (*Sīyar*, 18/193; *Tadhkira*, 3/227), al-Ḍabbī (*Bughya*, 2/543), al-Baghdādī (*Hadīyya*, 1/690), Ḥājji Khalīfa (*Kashf*, 1/704–5), who gives an abbreviated title, *al-Īṣāl ilā fahm Kitāb al-Khiṣāl*.

Al-Baghdādī and Yāqūt (*Irshād*, 5/90) report that Ibn Ḥazm’s *Īṣāl* consisted of 24 volumes, and al-Dhahabī comments that this was Ibn Ḥazm’s longest work and that it comprised 15,000 folios. Ibn Khallikān (*Wafayāt*, 3/325), for his part, changes in the title the word *maḥṣal* (essence, result) for *ḥaml* (load, carriage), which must be a mistake for *jumal* (sum), and adds, like al-Ḥumaydī, “*wa-l-sunna wa-l-ijmā’*,” explaining that in this work—“a long book,” he says—Ibn Ḥazm adduces sayings of the companions of the Prophet, the followers and the imams who came later, on questions of *fiqh*, with the respective arguments of each faction. Later, Ḥājji Khalīfa echoes this, indicating that it was an extensive commentary by Ibn Ḥazm on *al-Khiṣāl al-jāmi’a li-maḥṣal/jumal sharā’i’ al-islām fī l-wājib wa-l-ḥalāl wa-l-ḥarām*.

As to the *Kitāb al-Khiṣāl* alluded to in the title, Asín Palacios suggests that this refers to a work by Muḥammad Ibn Yabqā Ibn Zarb (b. 317/929, d. 381/991), who was the chief *qāḍī* of Cordoba shortly before the birth

of Ibn Ḥazm, entitled *Kitāb al-Khiṣāl fī furū' al-mālikiyya*. However, al-Dhahabī (*Siyar*, 18/193–94) and al-Baghdādī (*Hadīyya*, 1/690) rather attribute to Ibn Ḥazm another work entitled *Kitāb al-Khiṣāl al-ḥāfiẓ li-jumal sharā'i' al-islām* (→ 57) in two volumes, mentioned by both just after the *Īṣāl*; thus, *al-Īṣāl* would be a lengthy auto-commentary on *al-Khiṣāl*, also now lost.

Ibn Ḥazm's disciple al-Ḥumaydī puts *al-Īṣāl* at the head of the list of his master's works, emphasizing that it was “an enormous book on *ḥadīth*.” Following the information given by al-Ḥumaydī, repeated by al-Ḍabbī and others, and by Ibn Ḥazm in his references to the *Īṣāl*, he must have written in this work about the generality of juridical questions, quoting the companions, their followers and subsequent imams who were experts in juridical questions and logical proofs (*dalā'il*) of Islamic law; he would have explained the arguments of each group and provided the relevant *ḥadīth*—trustworthy or weak—and their chains of transmission in full detail. In the *Fiṣal* (1/164) Ibn Ḥazm says that in the *Īṣāl* he sets forth the arguments of different creeds and schools, criticises them and provides with respect to each question the solution that he considers to be in accordance with revelation (cf. Asín Palacios, *Abenházam*, 260).

◇ 48. *al-Istiqṣā'*

The only mention we have of this work is from al-Afghānī (*Ibn Ḥazm*, 51), to which Chejne later refers (*Ibn Ḥazm*, 305), although neither of them provides any reference; neither do they venture to state its subject matter.

◇ 49. *Kitāb al-Istijlāb*

This is mentioned by al-Dhahabī (*Siyar*, 18/195), who adds that it consisted of one volume (*mujallad*). We have no further information on this work.

◇ 50. *al-Itāb 'alā Abī Marwān al-Khawlānī*

It is once again al-Dhahabī (*Siyar*, 18/196) who includes it among the shorter works of Ibn Ḥazm, either a booklet or a single-quired book.

It must refer to the traditionist Abū Marwān 'Abd al-Malik b. Sulaymān al-Khawlānī (d. in Majorca shortly before 440/1048) who hailed from Majorca and who studied in al-Andalus, Ifrīqiya, Egypt and Mecca (al-Ḍabbī, *Bughya*, # 1069; al-Ḥumaydī, *Jadhwa*, # 630; Ibn Bashkuwāl, *Ṣila*, # 777). He was the teacher of al-Ḥumaydī, Ibn Ḥazm's pupil and biographer. It should be recalled that Ibn Ḥazm spent ten years in Majorca, where he may have come into contact with Abū Marwān al-Khawlānī. The latter may have belonged to the family of 'Iṣām al-Khawlānī, who

incorporated the Balearic Islands into the Umayyad state and began the arabicization and islamicization of the islands. On the other hand, it is quite possible that Ibn Ḥazm's criticism of Abū Marwān al-Khawlanī may be related to the famous dispute which Ibn Ḥazm had in Majorca with Abū l-Walīd al-Bājī (d. 474/1081).

Risāla fī l-ʾItiqād → *Kitāb al-Durra* (→ 24)

◇ 51. *Kitāb al-Ittiṣāl*

Quoted as such by al-Baghdādī (*Hadīyya*, 1/690). Chejne (*Ibn Ḥazm*, 305) includes it in his list, referring to Ḥājjī Khalīfa (*Kashf*, 2/258) and to al-Afghānī (*Ibn Ḥazm*, 51). In this case, too, we have no clues as to its contents.

◇ 52. *al-Ijmāʿ wa-masāʾiluhu*

The title is given as such by al-Ḥumaydī (*Jadhwa*, 2/490), who adds that the work dealt with the different topics of law (*ʿalā abwāb al-fiqh*). Al-Dhahabī (*Sīyar*, 18/195) quotes it as *Kitāb al-Ijmāʿ*, adding that it consisted of two small volumes. It is also mentioned by Ibn Khallikān (*Wafayāt*, 3/327). Yāqūt (*Irshād*, 12/252), al-Maqqarī (*Nafh*, 2/79) and others attribute to Ibn Ḥazm a work entitled *Muntaqā l-ijmāʿ wa-bayānuhu min jumla mā lā yuʿraf fīhi ikhtilāf* (→ 86) which may be either the same work with another title, or a selection of subjects using the other work as a source.

Although this work has not survived, the subject of *ijmāʿ* is a perennial one in the theoretical and juridical work of Ibn Ḥazm, in that for him it forms, along with the Qurʾān and the *sunna*, the other great pillar on which to base religious knowledge and rules. He devotes extensive passages in various works to the subject, such as in *Ikhām* (→ 38) (Chapters XXII–XXIV, XL). He would, however, be very restrictive in deciding what questions had a real *consensus doctorum*, and in hunting down differences of opinion (*ikhtilāf*).

◇ 53. *al-Izhār li-mā shunniʾa bihi ʿalā al-Zāhiriyya*

The work is mentioned by al-Dhahabī (*Sīyar*, 18/196) among the booklets and single-quire books (*juzʾ aw kurrās*) of Ibn Ḥazm. The wording of the title suggests that it consisted of a statement defending Zāhirism against its detractors, who were many and powerful.

► 54. *Izhār tabdīl al-yahūd wa-l-naṣārā fī l-Tawrāt wa-l-Injīl wa-bayān tanāquḍ mā bi-aydihim min dhālika mimma lā yaḥtamilu l-taʾwīl*

The work is cited by al-Ḥumaydī (*Jadhwa*, 2/490), al-Ḍabbī (*Bughya*, # 1069), al-Dhahabī (*Tadhkira*, 3/227), al-Baghdādī (*Hadīyya*, 1/690) and Ḥājī Khalīfa (*Kashf*, 1/118). Al-Dhahabī adds the word “*kitābayn*” before *al-Tawrāt*, and Ibn Khallikān (*Wafayāt*, 3/326), following al-Ḍabbī, reports that the work had no precedent (*wa-hādhā ma'nā lam yusbaq ilayhi*). Some sources omit the last part of the title.

According to Asín Palacios (*Abenházam*, 1/266) the contents of this book were incorporated by Ibn Ḥazm into the *Fīṣal* (→ 30) (1/116–217, 2/2–76), where he deals with the subjects of religious dispute with Jews and Christians, including contradictions in the Pentateuch and the Gospels to which the title refers. Nor can it be totally ruled out that Ibn Ḥazm wrote two texts on the same subject. See also the comments of C. Adang in *Islam frente a judaísmo. La polémica de Ibn Ḥazm de Córdoba*, Madrid 1994; **eadem, *Muslim writers on Judaism and the Hebrew Bible: From Ibn Rabban to Ibn Hazm*, Leiden 1996; Samuel-Martin Behloul, *Ibn Hazms Evangelienkritik: Eine methodische Untersuchung*, Leiden 2002; Abdelilah Ljamaï, *Ibn Ḥazm et la polémique islamo-chrétienne dans l'histoire de l'islam*, Leiden 2003.**

◇ 55. *Kitāb fīmā khālafa fīhi Abū Ḥanīfa wa-Mālik wa-l-Shāfi'ī jumhūr al-ʿulamāʾ wa-mā infarada bihi kull wāḥid wa-lam yusbaq ilā mā qālahu*

Ibn Ḥazm refers to the title in his *Muḥallā* (→ 80) (9/273: “we have specifically dedicated large quires (*ajzāʾ ḍakhma*) to what distinguished (*fīmā khālafa fīhi*) Abū Ḥanīfa, Mālik and al-Shāfi'ī from the majority of the scholars (*jumhūr al-ʿulamāʾ*), and on what each of them said, without it being known that anyone had said it before, determining in what each of them dissented from the sure and conclusive consensus (*al-ijmāʿ*)” (quoted by the editor of al-Dhahabī, *Siyar*, 18/194 n. 5). Al-Dhahabī (*Siyar*, 18/194; *Tadhkira*, 3/230) mentions it briefly as *Kitāb Mā infarada bihi Mālik wa-Abū Ḥanīfa wa-l-Shāfi'ī*, as does al-Baghdādī (*Hadīyya*, 1/690).

Judging by the title and Ibn Ḥazm's brief reference, the work must have dealt with the juridical aspects in which the three imams, Abū Ḥanīfa, Mālik and al-Shāfi'ī, differed from the other scholars and in which, in addition, they were innovators.

◇ 56. *Kitāb fīmā khālafa fīhi al-mālikiyya al-ṭawāʾif min al-ṣaḥāba*

Ibn Ḥazm refers to the work in his *Radd ʿalā Ibn al-Naghrīla* (→ 102) (*Rasāʾil*, 3/88), declaring that it was an enormous book (*kitāb ḍakhm*) on the divergences of the Mālikīs from the Companions of the Prophet

and their followers. In this same passage Ibn Ḥazm condemns Mālikī pretensions to being special and different from their predecessors, and he considers himself to be true to the faithful and exact transmission of the Companions. To judge from the title and the subject matter, the work must be related to the foregoing (→ 55) and to his *Kitāb Ikhtilāf al-fuqahā' al-khamsa: Mālik wa-Abī Ḥanīfa wa-l-Shāfi'ī wa-Aḥmad wa-Dāwūd* (→ 39).

◇ 57. *Kitāb al-Khiṣāl al-jāmi'a li-maḥṣal/jumal sharā'i' al-islām fi l-wājib wa-l-ḥalāl wa-l-ḥarām*

Cited as such by al-Baghdādī (*Hadiyya*, 1/690) and al-Dhahabī (*Sīyar*, 18/195f.) who modifies the title slightly: *Kitāb al-Khiṣāl al-ḥāfiẓ li-jumal sharā'i' al-islām*, adding that it consisted of two volumes (*mujalladān*).

Although Asín Palacios (*Abenházam*, 1/260) assumed that Ibn Ḥazm did not write a *Kitāb al-Khiṣāl*, the biographical lists quoted make it clear that he did: Ibn Ḥazm wrote his lengthy *Īṣāl* (→ 47) commenting on his own *Khiṣāl*, in which he dealt more briefly and schematically with juridical questions, studying the obligations, permissions and prohibitions contained in the Qur'ān and the *ḥadīth*, and accepted by the consensus of the scholars (*ijmā'*). On the auto-commentary on this work, see *al-Īṣāl ilā fahm kitāb al-khiṣāl* (→ 47).

◇ 58. *Kashf al-iltibās limā bayna al-Zāhiriyya wa-aṣḥāb al-qiyās*

Quoted by several sources, such as Ibn Bassām (*Dhakhīra*, 1/171), al-Baghdādī (*Hadiyya*, 1/690), and al-Maqqarī (*Nafḥ*, 2/79) (see also Asín Palacios, *Abenházam*, 1/259). This must be the same treatise that al-Dhahabī (*Sīyar*, 18/196) names as *Mā waqa'a bayna l-Zāhiriyya wa-aṣḥāb al-qiyās*, placing it among the booklets and single-quire books of Ibn Ḥazm. Chejne (*Ibn Ḥazm*, 304) even thinks it may be the *Kitāb al-Īrāb* (→ 46), but this can safely be ruled out following the discovery of a manuscript of Ibn Sahl's refutation of Ibn Ḥazm. In fact, this is a perennial theme in the theoretical and theological controversies of Ibn Ḥazm, which he approached from numerous points of view and in a very broad range of texts. It must thus be a short work or a chapter of another longer work, devoted to distinguishing the Zāhirī method from that of those who relied on *qiyās* to draw conclusions from the scriptures, to which he was always fiercely opposed.

Since the appearance of the manuscript referred to above, Ibn Sahl's *al-Tanbīh 'alā shudhūdh Ibn Ḥazm*, we know more about this lost work: "the questions (*masā'il*) of this chapter amount to twelve and clearly show

the deviation (*shudhūd*) and departure [of Ibn Ḥazm] from orthodoxy....” Then, after noting that it was the above-mentioned questions that caused him to accuse Ibn Ḥazm of disbelief (*kufr*) Ibn Sahl rebuts each of the theories put forward by him, although part of Ibn Sahl’s manuscript is almost illegible. The text appears to have been written in Majorca between the years 430/1038 and 440/1048 (Kaddouri, “Identificación,” 308–9).

◇ 59. *al-Risāla al-Lāzima li-ūlī l-amr*

Al-Dhahabī (*Sīyar*, 18/196) includes this title among the booklets and single-quire books of Ibn Ḥazm. In the absence of any further information, we cannot make any conjectures as to the contents of this short work. It may be concerned with advice or rules for good government, as the title suggests.

◇ 60. *Risāla fī Maʿnā al-fiqh wa-l-zuhd*

Once again it is al-Dhahabī (*Sīyar*, 18/196) who notes it among the booklets and single-quire books. Ibn Ḥazm possibly touched in this treatise on definitions of the concepts of *fiqh* and ascetism (*zuhd*) that are present throughout the works of Ibn Ḥazm. We should remember that his moral doctrine advocated moderation and asceticism, even when an activity is textually stated to be permissible.

◇ 61. *Kitāb Manāsik al-ḥajj*

Only Ibn al-Abbār seems to mention this text (*Takmila*, 2/188 # 492 where the title is given only as *Kitāb al-Manāsik*, and 4/59 # 160), and he informs us that this work was taught by al-Muṣʿab, son of Ibn Ḥazm, and that his nephew, our author’s grandson, Abū l-ʿAbbās al-Faṭḥ, studied it with him. The title clearly refers to the canonical rites of the pilgrimage to Mecca, a required subject in the treatises on *fiqh* (see Asín Palacios *Abenházam*, 1/262–63).

◇ 62. *Maqāla fī l-muḥākama bayna l-tamr wa-l-zabīb*

Again it is al-Dhahabī (*Sīyar*, 18/197) who mentions it among the medical works that Ibn Ḥazm ascribes to himself in his lost *Risāla fī l-Ṭibb al-nabawī* (→ 133). Judging by the title, Ibn Ḥazm apparently compared in the work the curative and dietary properties of the date and the raisin.

◇ 63. *Maqāla fī l-nakhl/naḥl*

Again, al-Dhahabī (*Sīyar*, 18/197) includes the title among the medical treatises that Ibn Ḥazm said he had written in his lost *Risāla fī l-Ṭibb*

al-nabawī (→ 133). Both in the edition of al-Dhahabī's *Sīyar* produced by the Arabic Academy and in Iḥsān 'Abbās' introduction to *Rasā'il* (1/14) we can read *naḥl* (bees) instead of *nakhl* (palm-tree): in Arabic they are only differentiated by the presence or absence of the dot above the letter ḥā'. We can therefore not be categorical in opting for one or other of these sources of health. In any case, we should note that the treatises on prophetic medicine, which are still being published and widely read in the Islamic world, normally include chapters dedicated to the palm-tree (*nakhl*), for it is frequently mentioned in the Qur'ān, and there are numerous *ḥadīths* referring to its fruit and their medical benefits. This is not the case with bees, in spite of the existence of a Qur'ānic verse with this title (Qur'ān, 16).

◇ 64. *Maqālat al-ʿāda*

Al-Dhahabī (*Sīyar*, 18/197) includes this title among the medical treatises of Ibn Ḥazm quoted by the author in his lost *Risāla fī l-Ṭibb al-nabawī* (→ 133). We cannot conjecture the contents of the text. In some manuscripts of al-Dhahabī's *Sīyar*, and in the opinion of Iḥsān 'Abbās (intro. to *Rasā'il*, 1/13), the title reads *Maqālat al-sa'āda*, which is also possible.

Maqālat al-sa'āda → *Maqālat al-ʿāda* (→ 64)

◇ 65. *Maqālat fī shifā' al-ḍidd bi-l-ḍidd*

It is mentioned by al-Dhahabī (*Sīyar*, 18/197) among the medical works that Ibn Ḥazm states he wrote in the lost *Risāla fī l-Ṭibb al-nabawī* (→ 133).

◇ 66. *Marātib al-diyāna*

This is mentioned by Ibn 'Aqīl ("Mu'allafāt al-Imām Ibn Ḥazm al-mafqūda"), without reference (see Iḥsān 'Abbās, intro. to *Rasā'il*, 1/12).

◆ 67. *Marātib al-ijmā' fī l-ibādāt wa-l-mu'āmalāt wa-l-i'tiqādāt*

Chejne (*Ibn Ḥazm*, 306) mentions an edition from Cairo (1357/1938–9), to which we have no further reference. ***Mahāsīn al-Islām wa-sharā'i' al-Islām, li-Abī 'Abd Allāh Muḥammad b. 'Abd al-Raḥmān al-Bukhārī. Wa yalihi Marātib al-ijmā' fī l-ibādāt wa-l-mu'āmalāt wa-l-i'tiqādāt li-Abī Muḥammad 'Alī b. Aḥmad b. Ḥazm, wa-ma'āhu Naqd marātib al-ijmā' li-Ibn Taymiyyah* 1–2, Cairo: Maktabat al-Quds, 1357/[1938–39].** It was reedited by al-Qudsi, 1957 with Ibn Taymiyya's *Marātib al-ijmā'* (see 'Abd al-Karīm Khalīfa, *Ibn Ḥazm*, 132). More recently we have consulted the edition of this work of Ibn Ḥazm included in *Mahāsīn al-Islām wa-sharā'i' al-Islām li-Abī 'Abd Allāh Muḥammad b. 'Abd al-Raḥmān al-Bukhārī* (Beirut: Dār al-Kitāb al-ʿArabī, 1985). **See now also *Marātib al-ijmā' fī l-ibādāt wa-l-mu'āmalāt wa-l-mu'taqadāt*, li-Ibn Ḥazm. *Naqd marātib al-ijmā'*, li-Ibn Taymiyya, Beirut: Dār al-āfāq al-jadīda, 1978; Cairo: Dār Zāhid al-Qudsi, ³[1983?]; *Marātib al-ijmā' fī l-ibādāt wa-l-mu'āmalāt wa-l-mu'taqadāt*, li-Ibn Ḥazm al-Zāhiri, *wa-yalihi Naqd marātib al-ijmā'*, li-Ibn Taymiyya, Beirut: Dār Ibn Ḥazm, 1998.**

This is a brief work on different devotional and canonical aspects, analysed by the different levels of consensus that have been reached in each case by scholars of Islam. **Ljamai concludes that the work cannot be dated in any conclusive manner (*Ibn Ḥazm et la polémique*, p. 65).**

◇ 68. *Marātib al-‘ulamā’ wa-tawālīfuhum*

Cited by al-Dhahabī (*Siyyar*, 18/196) among the booklets and single-quire books of Ibn Ḥazm. We have found no other reference to this title, and we cannot venture a guess which scholars and works are referred to.

◆ 69. *Risālat Marātib al-‘ulūm*

Ed. Iḥsān ‘Abbās, *Rasā’il*, 4/61–90. Also edited by Chejne, *Ibn Ḥazm*, 216–251, with an English translation, in *ibid.*, pp. 190–214. The latter edition begins, after the *basmala*, with an *incipit* which is not found in ‘Abbās’ edition, and which may be the full title of the work: *Marātib al-‘ulūm wa-kayfiyyat ṭalabihā wa-ta’alluq ba’ḍihā bi-ba’ḍ*. It is also cited in this way by al-Ḥumaydī (*Jadhwa*, 2/490). There is another recent edition in Ibn Ḥazm, *Marātib al-‘ulūm wa-hal li-l-mawt alam am lā*, ed. Aḥmad Shawḥān, Dayr al-Zūr, 1999.

In several of his works Ibn Ḥazm undertakes a classification of knowledge, a subject addressed in this treatise and which is linked to a wide-ranging tradition in Islam dedicated to the orderly systematisation of the different sciences with which God has distinguished man, as the author states at the beginning of the text: “Almighty God has honoured the sons of Adam and has preferred them over many of His creatures. He has distinguished them from the rest of His creation by discernment, with which He gives them the use of the arts and the sciences” (ed. ‘Abbās, 61). He goes on to describe how our ancestors (*al-sālifūn*) possessed sciences, which they have passed down to posterity, and how some of these sciences have been preserved because they are necessary, while others survive only as a memory, like magic, the science of talismans, and some sorts of music. Man should concern himself with those sciences which he can learn and which are useful for his ultimate fate, which is his final resting-place (*dār al-ma’ād*): “The most excellent sciences are those which lead to salvation in the hereafter” (*ilā l-khalāṣ fi dār al-khulūd*) (ed. ‘Abbās, 64).

Although the author appears to establish a hierarchy among all the sciences, he acknowledges that they are all mutually related and that they can only be acquired by study, according to the capacity of man, “and there is no study other than by listening, reading and writing” (ed. ‘Abbās, 65); in other words, by language: grammar, lexicography and poetry are the first branches of knowledge that man should acquire, followed by scientific knowledge, including mathematics and geometry; he distinguishes between astrology, with which man may not concern himself, and astronomy. After these come the philosophical sciences, among which he

mentions logic, metaphysics and physics, as well as medicine, which consists of two parts, the medicine of the body and the medicine of the soul. Finally, he underlines the obligation of knowing two types of sciences: religious science, consisting of the science of the Qurʾān, of law (*fiqh*), of *ḥadīth*, of theology (*kalām*), and of history, which for him is relevant to moral doctrine, since the knowledge of the history of mankind will help man to prepare for the final salvation: "If he masters all of this thoroughly during his initiation into the study of sciences, he must not forget the study of history (*akhbār*) of the earlier and later nations, nor the reading of ancient and modern histories (*tawārīkh*) in order to become aware of the disappearance of the kingdoms mentioned therein, of the destruction of cultivated lands, of the disappearance of known cities, which for long periods of time were fortified and their buildings well defended, and of the departure and withdrawal of those who lived in them..." (ed. 'Abbās, 72). The work concludes with a brief review of each of the sciences mentioned, and how all of them should collaborate to help man achieve salvation.

♦ 70. *Risāla/Faṣl fī Maʿrifat al-naḥs bi-ghayrihā wa-jahlihā bi-dhātihā* Ed. Iḥsān 'Abbās, *Rasā'il*, 1/443–446. It was translated into Spanish by J. Lomba Fuentes ("Sobre el conocimiento del alma de lo que no es ella y de su desconocimiento de su propia esencia," *Revista del Instituto Egipcio de Estudios Islámicos en Madrid* 29 (1997), 139–161). See Asín Palacios, "Un código," 6–7.

In this short, profound and original text Ibn Ḥazm outlines in condensed form his particular theory of the soul, in the form of a dialogue between the author and his own soul. Far from the psychologism characteristic of the *falsafa*, Ibn Ḥazm's concept is of a soul (*naḥs*) "which directs the body, sensitive, lively, logical, discerning and wise" (443). It is what gives life and movement to the body, since the latter is inert. The soul is aware that it knows all the things in the world thanks to its capacity for discernment, through which it receives an exact idea of the cosmic, sub-lunar and celestial order, and from which it also acquires sciences and historical information through learning. In the same way, and always assisted by the senses, it comes to know the Creator. Yet at the same time, the soul acknowledges that it knows nothing about its own essence, nor how nor why it is joined to the body.

Ibn Ḥazm deals with the subject of the soul in a different way, although without contradicting this beautiful philosophical text, in works such as the *Fīṣal* (→ 30) (5/66ff), or *al-Uṣūl wa-l-furū'* (→ 135) (Beirut 1984, 24–34), setting out a theory of the soul well-anchored in its knowledge of the sacred texts and fully consistent with his theory of perception and knowl-

edge, eminently sensitive, rational and linguistic. In this theory he allows no protagonism to, and hardly even names, the internal faculties, and imagination appears as an element which distorts true knowledge (see Puerta, *Historia*, 475–492).

◇ 71. *Ma'rifat al-nāsikh wa-l-mansūkh*

According to 'Abd al-Karīm Khalifa (*Ibn Ḥazm*, 133), this work of Ibn Ḥazm was published in the margins of al-Suyūṭī, *Tafsīr al-Jalālayn*, Cairo 1308–21/1890–1904. There is an edition entitled *al-Nāsikh wa-l-mansūkh fi l-Qur'ān al-Karīm*, by 'Abd al-Ghaffār Sulaymān al-Bandārī, Beirut: Dār al-kutub al-'ilmiyya/Dār al-Rā'id al-'arabī, 1986. It is a short work of 75 pages.

The theme of passages of the Qur'ān or of the *sunna* which abrogate others which precede them (*nāsikh*), and that of passages which are abrogated (*mansūkh*), is fundamental in Islamic science, and Ibn Ḥazm deals with it in several works, such as the *Iḥkām* (→ 38), 4/59–121 (Chapter XX), where he includes a detailed treatise on this delicate issue. Ibn Ḥazm's Zāhiri viewpoint leads him to be very strict on this matter, starting by a clear definition of abrogation (*naskh*), followed by a point by point study of all the arguments that he presents, accepting as a general rule the abrogation of Qur'ānic verses and *ḥadīths* by later and clearly abrogating ones, for which purpose he invariably advocates interpretation of the semantic evidence of the texts, their temporality, and a well-defined and securely based consensus (*ijmā'*) of the scholars. **This work is attributed by several scholars to Ibn Ḥazm's namesake Abū 'Abd Allāh Muḥammad b. Ḥazm (d. ca. 320/932). See Abū 'Uбайд al-Qāsim b. Sallām's *Kitāb al-nāsikh wa-l-mansūkh* (MS. Istanbul, Topkapı, Ahmet III A 143). Edited with a Commentary by John Burton, n.p. 1987, p. 35.**

Mas'alat al-īmān → *Risālat Bayān 'an ḥaqīqat al-īmān* (→ 18)

► 72. *Mas'alat hal al-sawād lawn aw* [sic] *lā*

Al-Dhahabī mentions this title (*Sīyar*, 18/197) among Ibn Ḥazm's booklets or single-quire books (*juz' aw kurrās*). The only surviving text on this subject is preserved, however, inserted at the end of the *Fīṣal* (→ 30), 5/136–40, entitled *al-Kalām fi l-alwān*, although the central subject dealt with is over the issue whether black is a colour or not. A Spanish translation is included in Asín Palacios, "Polémica sobre los colores," *Abenházam*, 5/362–69. The relevant section from the *Fīṣal* has also been published independently as Ibn Ḥazm, *Risālat al-alwān*, Riyadh: al-Nādī al-Adabī, 1979.

Everything points to the fact, as Asín Palacios noted, that this is a minor work on the subject of colour which was incorporated into the *Fīṣal*, where it has survived thematically out of context. The fact that al-Dhahabī cites it, with precise details of the subject, appears to rule out the possibility that it was a longer work. **On this treatise, see also Ernst Bergdolt, "Ibn Ḥazm

Abhandlung über die Farben," *Zeitschrift für Semitistik und verwandte Gebiete* 9 (1933–34), 139–146.** A detailed discussion of Ibn Ḥazm's theory on colours may be found in my "Arts and Aesthetics" in this volume.

◆ 73. *Mas'alat al-kalb*

Preserved in the collective manuscript Ms. Şehid Ali Paşa (Süleimaniye, Istanbul) # 2704, ff. 168–171 (see Asín Palacios, "Un código," 15, and Ihsān 'Abbās, intro. to *Rasā'il*, 1/6). **On this tract, see also the forthcoming study of Camilla Adang, "Ibn Ḥazm on the purity of dogs. A case-study of Zāhiri jurisprudence."**

This as yet unpublished work is a short treatise setting out rules regarding the dog which, as we know, appears in *ḥadīth* with negative connotations, as a symbol of impurity and dirt. We may recall that in his *Muḥallā* (→ 80) (Volume X), he mentions various questions regarding the dog.

Mas'alat al-samā' → Risāla fī l-Ghinā' al-mulhī

◇ 74. *Mas'ala fī l-rūḥ*

Al-Dhahabī (*Siyar*, 18/196) includes it among Ibn Ḥazm's booklets or single-quire books (*juz' aw kurrās*). The editor of al-Dhahabī's *Siyar* (ibid. n. 3) assures that this is his *Risāla 'an ḥukm man qāla inna arwāḥ ahl al-shaqā' mu'adhdhaba ilā yawm al-dīn* (→ 36), published by Ihsān 'Abbās in *Rasā'il*, 3/219–230. However, since he gives no proof of this and the comparison of the titles does not allow us to identify the two texts, we shall keep the distinction between the two and the doubts over the contents of this treatise on the spirit. We should recall, however, that for Ibn Ḥazm there was no difference between *rūḥ* (spirit) and *nafs* (soul), which he considers to be two terms for the same reality (*Fiṣal*, 5/74 and 79).

◆ 75. *Masā'il uṣūl al-fiqh*

'Abd al Karīm Khalīfa, *Ibn Ḥazm*, 132, and Chejne, *Ibn Ḥazm*, 307, state that it was published in Cairo, 1332/1913–4. We have no further information on this edition. **This reference undoubtedly refers to the following publication: *Majmū' rasā'il fī uṣūl al-tafsīr wa-uṣūl al-fiqh*, jama'ahā wa-allaqa ḥawāshihā Jamāl al-Dīn al-Qāsimī al-Dimashqī (b. 1866, d. 1914), Damascus: Maṭba'at al-Fayḥā', 1331[1912–3], containing the following tracts: *Fī uṣūl al-tafsīr* of Jalāl al-Dīn al-Suyūṭī; *Fī uṣūl al-fiqh* of Ibn Ḥazm al-Andalusī; *Majma' al-uṣūl* of Jamāl al-Dīn Yūsuf b. 'Abd al-Hādī al-Maqdisī *thumma* al-Dimashqī al-Şālihī. We were unable to consult the book and thus cannot add anything to what Puerta Vílchez states.** The fact that it is only cited by these two modern authors leads us to suspect that it may be a

compilation of juridical questions extracted from the works of Ibn Ḥazm by the editor, or editors, which has been done on several occasions; or else a new version of some other text by Ibn Ḥazm.

• *Majālis*

Chejne (*Ibn Ḥazm*, 306) says he read this title of Ibn Ḥazm in Yāqūt (*Irshād*, ed. D.S. Margoliouth, Leiden/London 1907–27, 5/94). In it he supposedly collected some of his religious polemics. We have been unable to trace Chejne's reference either in this or in other sources, which leads us to doubt whether it is really a text by Ibn Ḥazm.

◇ 76. *Kitāb al-Mirṭār/Murātāz/Mirṣād fī l-muḍḥikāt wa-l-khurāfāt*

In his *al-Tanbih 'alā shudhūdh Ibn Ḥazm*, Ibn Sahl confirms that he had heard of a *Kitāb al-Murātāz*, which he never actually saw, and which dealt with “jokes and fables” (*kitābihi fī l-muḍḥikāt wa-l-khurāfāt*) (Kaddouri, “Identificación,” 311). Iḥsān 'Abbās (intro. to *Rasā'il*, 1/15) also points to the existence of this work, but gives its title as *al-Mirṭār* or *al-Murṭār fī l-lahw wa-l-du'aba* ([?] “about amusement and joking”), as quoted by Ibn 'Aqīl (“Mu'allafāt al-Imām Ibn Ḥazm al-mafqūda”), who does not provide a reference. As to the wording of the title, neither Kaddouri's reading nor that given by 'Abbās make sense to us; we therefore suggest that it may be *Mirṣād* (observatory), although we cannot be sure. We remind the reader that Ibn Ḥazm approved of amusement and joking so long as they did not attack the revelation or divert mankind from the path of salvation.

◇ 77. *Risālat al-Mu'araḍa*

Listed by al-Dhahabī (*Siyar*, 18/196) among the booklets or single-quire books (*juz' aw kurrās*) of Ibn Ḥazm. We can say no more about it, since we have no other references. Objection, opposition and rebuttal are perennials in Ibn Ḥazm's methodology and discourse, as we can see, which means that such a generic title might be applied to any one of the many controversies launched by our author.

◆ 78. *Risāla fī Mudāwāt al-nufūs wa-tahdhīb al-akhlāq wa-l-zuhd fī l-radhā'il*

First published in Cairo in 1908 under the title of *Kitāb al-Akhlāq wa-l-siyar*, and later translated into Spanish by Miguel Asín Palacios with the title of *Los caracteres y la conducta: tratado de moral práctica*, Madrid: Imp. Ibérica, E. Maestre, 1916. **The translation was republished under the title *Libro de la medicina de las almas*, Irún: Iralka, 1996. A second Spanish translation is that by Emilio Tornero Poveda (trans.), *El libro de los caracteres y las conductas: Epístola sobre el establecimiento del camino de la salvación de manera*

abreviada, Madrid 2007** There are various editions, notably the edition and French translation of Nada Tomiche (*Épître morale*), Beirut, 1961, and Ihsān ‘Abbās’ edition in *Rasā’il*, 1/333–415. **Another edition was prepared by Eva Riad (*Kitāb al-akhlāq wa-al-siyar*, *aw*, *Risāla fī mudāwāt al-nufūs wa-tahdhīb al-akhlāq wa-al-zuhd fī al-radhā’il*, PhD dissertation Uppsala Universitet, 1980. The text was also translated by Muhammad Abu Layla in *In pursuit of virtue: the moral theology and psychology of Ibn Ḥazm*. London: Ta-Ha Publishers, 1998.**—The treatise is also known as *al-Siyar wa-l-akhlāq*, as in al-Dhahabī (*Siyar*, 18/197), who adds that it consisted of two quires (*juz’ān*). Chejne (*Ibn Ḥazm*, 301) has found it cited as *Akhlāq al-naḥs* in Ibn Ḥazm (*Taqrīb*, 72, 180 and 181), Yāqūt (*Irshād*, 5/95) and Afghānī (*Ibn Ḥazm*, 51), and he suggests that it may be the same work although he lists the two separately.

The work consists of a short prologue and eleven chapters in ‘Abbās’ edition, each divided into paragraphs, which do not coincide with Asín’s translation. As the latter states in his prologue, the contents of the chapters do not correspond with the chapter headings. Part of the contents are expressed in the form of rulings and maxims, generally of a moral nature, although sometimes they deal with other spheres of human knowledge, including aesthetics, since this is a work in which the author describes the different levels of beauty. It also provides a considerable vocabulary of ethical terms.

This is a book, possibly written during the final stage of his life, in which Ibn Ḥazm sets forth reflections and ideas about himself, about mankind and about the community, all being the fruit of his experience. As he confesses in the prologue: “In this book of mine I have gathered together many ideas (*ma’ānī*) that the Exalted Giver of the Light of Reason (*wāhib al-tamyīz ta’ālā*) has inspired in me, as the days of my life passed and the vicissitudes of my life came one after another... All the lessons that experience has suggested to me I have guarded carefully in this book, so that God may cause those of His servants, into whose hands it may fall, to gain some advantage from what has cost me so much exhaustion and effort and meditation” (ed. ‘Abbās, 333).

In this work Ibn Ḥazm attempts to reflect his attitude to life and society, with a rather stoical cast, pointing out the virtues and vices which occur in human nature, praising the former and execrating the latter. His aim is to show that moral conduct consists of a life of balance and peace for the soul, as he says on another occasion: “I have earnestly sought a purpose for human actions that all men would unanimously recognise as good, and that would be to their liking, and I found but one, namely the desire to avoid worry (*ṭard al-hamm*). And when I had reflected on the full significance of this purpose I realised not only that all humanity thinks it is good and desirable, but also that, despite the contradictory variety of opinions, aspirations, desires and aims of men, nobody per-

forms any act nor decides to say a word, unless he hopes by his actions or his words to reject worry and cast it away from his spirit" (336). This statement of *ataraxia* as the aspiration of mankind is what gives this work its stoical tone. It also contains a list of the degrees of love, followed by a classification of the kinds of beauty and forms, which is of great importance for the history of aesthetics.

◆ 79. *Risāla fī l-Mufāḍala bayna l-ṣaḥāba*

Published by Šā'id al-Afghānī in *Ibn Ḥazm al-Andalusī wa-risālatuhu fī l-mufāḍala bayna l-ṣaḥāba*, Damascus: al-Maṭba'a al-Hāshimiyya, 1940, 103–280. Here we quote from the re-edition of Beirut 1969, 151–349. The editor used Ms. al-Maktaba al-Zāhiriyya (Damascus), miscellany # 45 *adab*, copied in Rajab 755/July–August 1354 by an anonymous and badly-trained scribe, who commits continuous errors which al-Afghānī attempts to correct.

This is an extensive treatise of almost 200 pages in which Ibn Ḥazm explains in great detail his arguments for the superiority of some companions of the Prophet over others. As is the case with other texts of Ibn Ḥazm, this treatise is included, with some omissions and variations, in the *Fīṣal* (→ 30) (4/111–153) in the section entitled *al-Kalām fī wujūh al-faḍl wa-l-mufāḍala bayna l-ṣaḥāba*. Here we consider it as a separate work, since the text is found in a manuscript of its own and it is, as part of the *Fīṣal*, a miscellany, containing as it does various accounts, such as that dealing with colours.

In this text Ibn Ḥazm follows his usual rigorous pattern in establishing his method, information and arguments. He introduces the subject with a prologue on the concept of "superiority" (*faḍl*) and on the different types of comparison (*mufāḍala*). Thus the highest rank of companions is occupied by the wives of the Messenger of God, and, among them, by Khadija and 'Ā'isha. Ibn Ḥazm clearly sets out the ideas of those who are opposed to this opinion, and then rebuts them. He bases his arguments on the superiority of the wives, relying on the Qur'ān and the *sunna*, and rejects any kind of exegesis which does not accept their literality. After "the Mothers of the Muslims" he continues with the superior companions, arguing in contention with the Shī'ites, that Abū Bakr was more zealous than 'Alī and more virtuous in general; he is followed by 'Umar, 'Uthmān and finally 'Alī, whom Ibn Ḥazm considers inferior in comparison with 'Uthmān. After the rightly guided caliphs (*al-rāshidūn*), there come the *badriyyūn*, then the *ahl al-mashāhid*, then the followers of the companions (*tābi'ūn al-ṣaḥāba*). Ibn Ḥazm ends the book with arguments that kinship cannot be put forward as a reason for superiority, insisting that Islam brings equality among all people. In this work it is also striking to

see the antipathy and contempt with which Ibn Ḥazm treats his adversaries in the religious polemics in which he becomes involved, using terms such as “ignoramus,” “poisonous,” “lying sinner,” etc. Ibn Ḥazm’s passion for hierarchies, applied to prophets, companions, traditionists, caliphs etc. dominates a good part of his writings and is due not so much to a simple exercise of erudition, as to the need of his Ṣāḥirism to establish—with a precision sometimes bordering on the impossible—the rigorous chain of transmission of the *sunna*, cornerstone of the faith.

♦ 80. *al-Muḥallā fī sharḥ al-Mujallā bi-l-ḥujaj wa-l-āthār*

This is the most extensive surviving work of Ibn Ḥazm. Various editions have been produced: (i) Cairo 1351/1932–3; (ii) ed. Aḥmad Muḥammad Shākīr, 11 vols., Beirut: Dār al-Fikr, n.d.; (iii) as a revision of the edition of Aḥmad Muḥammad Shākīr, there has recently been published another one with an introduction by Muḥammad ‘Abd al-Raḥmān al-Mar‘ashīlī and an index by Riyād ‘Abd Allāh ‘Abd al-Hādī, Beirut: Dār Iḥyā’ al-turāth al-‘arabī, 1998, 14 vols. in 8 books. On the manuscripts of the work, see GAL, 1/400, who mentions a ms. of the Khedivial in Cairo (3/295), another in a private library in Medina (catalogue published by Landberg, Leiden, 1883, p. 177 # 646), as well as Ms. Aya Sofya (Süleymanīe, Istanbul) # 727. On these mss. see also Asín Palacios, *Abenházam*, 1/261 n. 304.

The lists which mention *al-Muḥallā* offer slight variations in the title. The one we have chosen here is that given by al-Dhahabī (*Sīyar*, 18/194). Baghdādī (*Hadiyya*, 1/690) mentions the work as *al-Muḥallā bi-l-āthār fī sharḥ al-Mujallā bi-l-ikhtīṣar*. On other occasions, as in the case of Ḥajjī Khalīfa (*Kashf*, 2/1617), who is followed by Asín Palacios (*Abenházam*, 1/261) it bears the following title: *Kitāb al-Muḥallā fī l-khilāf al-‘ālī fī l-furū‘ al-shāfi‘iyya*, in direct allusion to the Shāfi‘ī method that Ibn Ḥazm followed before his final adherence to Ṣāḥirism. **It is nowadays generally recognized, however, that *al-Muḥallā* is a prime example of Ṣāḥirī *fiqh*. See Camilla Adang’s contribution to this volume, n. 34.**

The Arab students of the work commented on its size. Ḥajjī Khalīfa and al-Sha‘rānī, a follower of the great Murcian mystic Ibn ‘Arabī (d. 638/1240), said that *al-Muḥallā* consisted of “thirty volumes.” In the present Dār al-Fikr edition from Beirut which we are using, it has 4,328 large-format pages. This work has, moreover, been summarized, glossed and studied throughout history. Thus, the above-mentioned Sufi Ibn ‘Arabī, who was diametrically opposed in matters of philosophy and exegesis to Ibn Ḥazm, was a follower of his in questions of law and wrote one of the best summaries of Ibn Ḥazm’s *al-Muḥallā* entitled *Kitāb al-Mu‘allā fī mukhtaṣar al-Muḥallā*, with information on the traditional juridical doctrines. Later, the other great Andalusian Ṣāḥirī who emigrated to Egypt, Abū Ḥayyān al-Gharnāṭī (fl. 654/1256–745/1344), again summarized it in a book entitled *al-Anwār al-ajlā fī ikhtīṣār al-Muḥallā* (see *Diccionario de Autores y*

Obras Andalusíes, eds. J. Lirola Delgado and J.M. Puerta Vilchez, Granada 2002, 1/196 # 3); later the *ḥadīth* transmitter Abū 'Abd Allāh Muḥammad b. Aḥmad al-Dhahabī (d. 748/1347–8) made another summary of it and, two centuries later, Ibn Raḍī l-Dīn al-Ghazī (d. 984/1576) produced two glosses (*ḥāshīyatān*) of *al-Muḥallā* (Ḥājji Khalifa). As for Ibn Ḥazm himself, he only appears to cite *al-Muḥallā* in the *Iḥkām* (→ 38), ed. Aḥmad Muḥammad Shākir, Cairo 1345–8, 629.

This lengthy encyclopaedia of Islamic law deals systematically with all the casuistry of *fiqh*, from the fundamentals (*uṣūl*) of law and theology, up to the most detailed cases of rites and the application of law to all aspects of life, while polemicizing with the other juridical schools. The work begins with two books on the fundamentals of Islam in theology and law, which are followed by a comprehensive treatise on everything to do with ritual purity (vols. I–II). The author then goes on to explain the norms and different circumstances of prayer (vols. II–IV), where he deals specifically with the subject of mosques (vols. IV–V), funeral rites (*janā'iz*) (vol. V), spiritual retreat (*i'tikāf*) (vol. V), alms (*zakāt*) (vols. V–VI), fasting (vols. VI–VII), pilgrimage (*ḥajj*) (vol. VII), the struggle for the faith (*jihād*) (vol. VII), rules concerning ritual sacrifice (*aḍāḥī*) (vol. VII), food (*aṭ'ima*), the ritual slaughter (vol. VII), drink (vol. VII), vows (vol. VIII), oaths (*aymān*) (vol. VIII), credit (*qarḍ*) or debt (*dayn*) (vol. VIII), mortgages (*rahn*) (vol. VIII) and other monetary and financial matters, such as rents, matters related to sowing, usury, coins, and far more questions of an economic nature seen from the point of view of the *faqīh* (vols. VIII–IX). Volume IX also deals with the emancipation of slaves (*'itq* and *kitāba*) and inheritances (*mawārith*). Here Ibn Ḥazm integrates a section about the imamate (*kitāb al-imāma*), a theme to which he dedicated various writings. This is followed by another about the office of the *qāḍī*, of the testimonies of the witnesses (*shahādāt*), on matrimony (*nikāḥ*), with all the controversies surrounding it including divorce (*ṭalāq*) (vols. IX–XI), a topic that occupies most space in this encyclopaedia of law. Towards the end of vol. XI, Ibn Ḥazm approaches other themes relative to war, warriors, larceny, hunting, drunkenness, magic, etc.

As for the place that *al-Muḥallā* occupies in Ibn Ḥazm's work, we can say that this is the work of a *faqīh* with a solid training who had already produced a significant number of works. In his *Muḥallā* Ibn Ḥazm cites other important works of his, such as *al-Durra* (→ 24), *al-Iḥkām* (→ 38), *Nukat* (→ 94), *Nubdha* (→ 92), *al-ʿIrāb* (→ 46), *al-Īṣāl* (→ 47), as well as *Fī-mā khālafa* ... (→ 56) or *al-Qirā'āt al-mashhūra* (→ 98), which testifies that he was a consummate polymath and a renowned jurist when composing

the *Muḥallā*. Still to come were important works such as *Fīṣal* (→ 30), *Taqrīb* (→ 123), etc., so that *al-Muḥallā* may be seen as the culmination of his encyclopaedic works on *fiqh* and as a prelude to his final maturity, in which he would confirm his most personal philosophical and literary qualities. **Most scholars consider the *Muḥallā* to have been Ibn Ḥazm's last work. Ljamai confirms that the author was in 440/1048 still engaged in its composition (*Ibn Ḥazm et la polémique*, p. 64).**

◇ 81. *Kitāb Muḥimm al-sunan*

It is mentioned by Asín Palacios (*Abenházam*, 1/254–55) who found it cited by Ḥājī Khalīfa (*Kashf*, 2/1914), a very late bibliographical reference work.

In any case, the title suggests that it might have been a work by Ibn Ḥazm about the acts or omissions of the Prophet (*sunna*, pl. *sunan*), the second most important source of canon law after the Qur'ān.

◇ 82. *Mukhtaṣar al-Milal wa-l-niḥal*

We only know from al-Dhahabī (*Siyar*, 18/196) of the existence of this summary which, apparently, consisted of only one volume (*mujallad*), although he also includes it among his booklets and single-quire books. Whichever is the case, the title leads us directly to the latter's comprehensive work on religious polemic, *Kitāb al-Fīṣal fī l-milal wa-l-ahwā' wa-l-niḥal* (→ 30), of which this may have been one of the author's customary informative summaries.

◇ 83. *Mukhtaṣar al-Mūḍiḥ li-Abī l-Ḥasan Ibn al-Mughallis al-Zāhirī*

Cited by al-Dhahabī (*Siyar*, 18/194), who adds that it consisted of one volume (*mujallad*).

The person mentioned in the title was Abū l-Ḥasan 'Abd Allāh b. Aḥmad b. Muḥammad Ibn al-Mughallis, a tenth-century *faqīh* and follower of Dāwūd, the founder of Zāhirism, and author of the work referred to, *al-Mūḍiḥ*, and of *al-Munjiḥ*, both about law (*fiqh*) and Qur'ānic precepts (*aḥkām al-Qur'ān*). He is cited by al-Maqqarī (*Nafḥ*, 3/66), who states that the references to this Zāhirī scholar, who was the teacher of 'Alī b. Bundār al-Barmakī from Baghdad **—who was one of the first Zāhirīs to set foot on Andalusī soil (see Camilla Adang, "The Beginnings of Zahirism in al-Andalus," *The Islamic School of Law: Evolution, Devolution, and Progress*, eds. Peri Bearman, Rudolph Peters, and Frank E. Vogel, Cambridge, Mass. 2005, 19ff.)—**, were given by Ibn Ḥazm, according to first-person information provided by al-Ḥakam II, who was always interested in matters of scholarship.

The work, therefore, would have been a commentary on this Ṣāhiri juridical treatise written by Ibn al-Mughallis. **Ibn al-Mughallis is mentioned in Ibn Ḥazm's *Risāla fī faḍl al-Andalus***

◇ 84. *Mukhtaṣar fī 'ilal al-ḥadīth*

This is mentioned by al-Dhahabī (*Sīyar*, 18/195) in his list of Ibn Ḥazm's works, specifying that it consisted of only one volume (*mujallad*). As an expert traditionist, Ibn Ḥazm may have dedicated this volume to noting the *ḥadīths* which were weak, unreliable, contradictory, etc., and which distorted the correct interpretation and application of law, which he condemns in many of his works.

◇ 85. *Mukhtaṣar Kitāb al-Sājī* [sic] *fī l-rījāl*

Iḥsān 'Abbās (*Rasā'il*, 1/13) states that Ibn Ḥazm is credited with this summary of the work of a certain al-Sājī on the transmitters in the biography of Khālīd b. 'Ikrima, included in al-Dhahabī, *Mizān al-i'tidāl*, ed. 'Alī Muḥammad al-Bajāwī, Cairo, 1963, 4 vols., and in al-Sakhāwī, *al-Ilān bi-l-tawbīkh*, in Rosenthal, *Ilm al-tārīkh 'inda al-muslimīn*, Baghdad 1963, 238. Since we have no reference to any "al-Sājī," this may be an error and actually refer to al-Bājī or some other traditionist. The manuscript of Ibn Ḥazm's work was apparently arranged in alphabetical order. It would probably, therefore, have been a kind of small dictionary of transmitters extracted from the work of another author.

Mulakhkhaṣ Ibṭāl al-qiyās wa-l-ra'y... → *al-Nukat al-mūjaza* (→ 94)

◇ 86. *Kitāb Muntaqā al-ijmā' wa-bayānuhu min jumlat mā lā yu'raf fihi ikhtilāf*

It is quoted, with some changes in the title, by some sources, such as Yāqūt (*Irshād*, 12/ 252), al-Maqqarī (*Nafḥ*, 2/79), and al-Baghdādī (*Hadiyya*, 1/691). The latter mentions it as *Muntaqā al-ijmā' min al-sunan*. See also Asín Palacios, *Abenházam*, 2/258–59.

We have repeatedly stressed the importance of the unanimous consensus of the scholars of Islam (*ijmā'*), in so far as it was the third juridical and interpretative source of Islamic law, which is why Ibn Ḥazm had to dedicate many pages to its study, both in general treatises like *Iḥkām* (→ 38) and in specific works, such as the *Kitāb al-Ijmā'* (→ 52). Since no manuscript of the latter has come down to us, nor of the *Kitāb Muntaqā al-ijmā'*, we cannot be sure whether they were two separate works or whether the two titles refer to the same work; or whether, as seems likely,

the *Muntaqā* is a selection based on another, larger book, possibly the *Kitāb al-Ijmāʿ* (→ 52).

◇ 87. *Murāqabat aḥwāl al-imām*

According to al-Dhahabī (*Siyar*, 18/195) this was a single-quire book or booklet. We may recall that both in *al-Muḥallā* (→ 80) and in the *Fiṣal* (→ 30), or in the *Risāla fī l-Imāma* (→ 41) and in the *Kitāb al-imāma wa-l-sīyāsa* (→ 42), Ibn Ḥazm goes into great detail on the different aspects, circumstances and matters concerning the imam.

◇ 88. *al-Mujallā fī l-fiqh*

This is how the title is given by al-Dhahabī, (*Siyar*, 18/194), specifying that it consisted of one volume (*mujallad*) on law (*fiqh*).

This is the work, believed to be lost, on which Ibn Ḥazm commented in his monumental *al-Muḥallā* (→ 80) which has fortunately survived.

◆ 89. *Riṣālat Naqṭ al-ʿarūs fī tawārikh al-khulafāʾ*

Ibn Ḥayyān (*Muqtabis*, 5/37) calls it *Naqṭ al-ʿarūs fī nawādir al-akhbār*. According to al-Dhahabī (*Siyar*, 18/195), it consisted of two small volumes. Ibn Khallikān (*Wafayāt*, 3/326) considers it a small but useful book, containing curious and strange reports.

It was first published by C.F. Seybold in the *Revista del Centro de Estudios Históricos de Granada y su reino* 1 (1911), 160–80 and 237–48 (“*Nocat alarus fī tavarij aljolafa: regalos de la novia sobre los anales de los califas (apuntes historicos califales)*”). It was from this edition that Luis Seco de Lucena Paredes prepared his Spanish translation, published in *Boletín de la Universidad de Granada*, 63–65 (1941), 245–52 (introduction, prologue and study); 387–440 (translation); and 535–51 (notes to the translation). The work was also published by Shawqī Dayf in *Majallat Kullīyyat al-Ādāb* of the University of Cairo 13 (1951). More recently it has been republished by Iḥsān ʿAbbās in *Rasāʾil*, 2/41–116. The 1974 monograph (Ibn Ḥazm, *Naqṭ al-ʿarūs*, Valencia 1974) brings together two articles by Luis Seco de Lucena (“Sobre el ‘Naqṭ al-ʿarūs’ de Ibn Ḥazm de Córdoba,” *Al-Andalus* 6 (1941), 357–373; “De nuevo sobre el ‘Naqṭ al-ʿarūs’ de Ibn Ḥazm de Córdoba,” *Al-Andalus*, 19 (1964), 23–38), as well as his translation and the Arabic text edited by C.F. Seybold with indices prepared by M. Milagros Carcel Orti for this edition. See also Asín Palacios, *Abenházam*, 1/269–72, and Laura Bariani, “Un pasaje ignorado en el *Naqṭ al-ʿArūs* de Ibn Ḥazm de Córdoba,” *Qurtuba* 1 (1996), 295–98.

Written or completed during the last six years of his life, according to Asín Palacios, or in 432/1040–1, according to Iḥsān ʿAbbās, this is a collection of information about caliphs and kings of the East and al-Andalus, arranged by subject, which contains curious facts without any further explanation. L. Seco de Lucena describes it as “a collection of anecdotes of caliphs and princes where the stories are excessively sober and without wit.” It was continued by Abū l-Walid Ibn al-Aḥmar in the second half of the 14th cen-

ture, in *Ta'nīs al-nufūs fī takmil Naqṭ al-ʿarūs*. **See also the contributions of David Wasserstein and Gabriel Martinez-Gros to this volume.**

◇ 90. *Nasab al-barbar*

It is cited by al-Dhahabī (*Siyar*, 18/195), who adds that it was a single volume (*mujallad*). As we can see, Ibn Ḥazm's interest in genealogy is not limited to the Arabs, to whom he devotes the majority of his famous *Jamharat ansāb al-ʿarab* (→ 136), but he also dealt with Berber ancestries. We may recall that in the *Jamhara* he dedicates an exceptional chapter to the Berber ancestries (495–502). Al-Dhahabī's mention of the work thus indicates that Ibn Ḥazm must have written a whole work about the genealogy of the Berbers, and not just the brief section included in the *Jamhara*.

► 91. *Kitāb al-Naṣā'ih al-munjiya min faḍā'ih al-mukhziya wa-l-qabā'ih al-murḍiya min aqwāl ahl al-bida' min al-firaq al-arba' al-mu'tazila, al-murji'a, al-khawārij, al-shi'a*

The work is cited as such by Ibn Ḥazm in the *Fiṣal* (→ 30) (2/116). The author informs us that he inserted this text at the end of the treatise on sects, which can in fact be confirmed in *Fiṣal*, 4/178–227, under the title of *Dhikr al-ʿazā'im al-mukhrija ilā l-kufr aw ilā l-muḥāl min aqwāl ahl al-bida': al-Mu'tazila wa-l-Khawārij wa-l-Murji'a wa-l-Shi'a*. See the Spanish translation by Asín Palacios, *Abenházam*, 5/51–142.

Al-Dhahabī (*Siyar*, 18/196) also mentioned it among the booklets or single-quire books with the title *al-Naṣā'ih al-munjiya*. As indicated by Asín Palacios (*Abenházam*, 1/266–67), the text, as inserted into the *Fiṣal*, is composed of five chapters, four of which are dedicated to the Shi'ites, Khārijites, Mu'tazilites and Murji'ites (among whom the author includes the Ash'arites). The last, very short, chapter refers to Sufi pantheism.

al-Nubadh al-kāfiya → *al-Nubdha fī uṣūl al-fiqh al-ẓāhirī* (→ 92)

◆ 92. *al-Nubdha [fī uṣūl al-fiqh al-ẓāhirī]*

Cited by Ibn Ḥazm in *al-Muḥallā* (→ 80) (1/57) simply as *al-Nubdha*. This work has seen several editions: that of Muḥammad Zāhid al-Kawtharī, Cairo 1940 [repr. 1985], with the first word of the title in the plural: *al-Nubadh*. There is another edition, with the same title, by Muḥammad Ṣubḥī Ḥasan Ḥallāq, Beirut: Dār Ibn Ḥazm, 1993. It has also been published under other titles: *al-Nubdha fī uṣūl al-fiqh aw al-Nubdha al-kāfiya fī uṣūl aḥkām al-Qur'ān*, ed. Aḥmad Ḥijāzā Saqqā, Cairo, 1981. We know of other Beirut editions of 1985 and 1990, which shows the interest that this compendium of Zāhirī law arouses among modern Arab readers. **An English translation of the text by Adam Sabra was published in *al-Qanṭara: Revista de estudios árabes* 28 (2007), pp. 7–40, 307–48, and is republished in the present volume.**

Al-Dhahabī (*Sīyar*, 18/196) quotes it as *al-Nubdha al-kāfiya*, saying that it was one of Ibn Ḥazm's booklets or single-quire books (*juz' aw kurrās*). In the contemporary editions, the text indeed contains some sixty pages. Although we cannot be altogether certain, we believe, like some of the editors of the text, that Ibn Ḥazm referred to this work both in the singular (*al-Nubdha*) (in *al-Muḥallā*, 1/57) and in the plural (*al-Nubadh*) (in the short colophon to the text), so it would not be a question of two books, but of only one.

In the preface, Ibn Ḥazm explains the motive that led him to write this short work: "since we wrote our major book on the fundamentals [of law] (*uṣūl*), in which we went into great detail on the statements and suspicions of those who oppose us, making clear, with the help of Almighty God and His grace the arguments referring to all this, we thought it proper... to collect all of that into a small volume (*kitāb laṭīf*), easy to study and memorize, which would be—may God who is praised and extolled wish it—a step up to gain access to what our comprehensive book (*kitāb kabīr*) contains on this subject." As we understand it, this *magnum opus* of legal fundamentals must be *al-Imlā' fī qawā'id al-fiqh* (→ 43) or the *Kitāb Durr al-qawā'id fī fiqh al-Zāhiriyya* (→ 23) each of which consisted, as we know from al-Dhahabī (*Sīyar*, 18/195), of ca. 1,000 leaves, and it cannot be excluded that these two titles refer to the same book. We would rule out *al-Muḥallā* (→ 80) and *al-Iḥkām* (→ 38), since Ibn Ḥazm mentions *al-Nubdha* in the former, together with the latter. Be that as it may, the text of *al-Nubdha* or *al-Nubadh* consists of a series of short chapters (*faṣl*) in which the author thoroughly analyses the principles and concepts of law from the Zāhirī perspective, with dictionary-like definitions, short and simple. See *Tafṣīr alfāz tajrī bayna l-mutakallimīn fī l-uṣūl* (→ 115).

◇ 93. *Nukat al-islām*

Only al-Baghdādī (*Hadiyya*, 1/691) mentions this title, hesitating between *Nukta* and the plural *Nukat*. It may perhaps be identical *al-Nukat al-mūjaza* (→ 94), on which we comment next.

◇ 94. *al-Nukat al-mūjaza fī nafy al-ra'y wa-l-qiyās wa-l-ta'līl wa-l-taqlīd*

It has been published by Sa'īd al-Afghānī with the title of *Mulakhkhaṣ Ibtāl al-qiyās wa-l-ra'y wa-l-istiḥsān wa-l-taqlīd wa-l-ta'līl*, Damascus 1960 [repr. Beirut 1969]. The work is in fact a summary of *al-Nukat al-mūjaza* made by al-Dhahabī (Kaddouri, "Identificación," 311).

Al-Nukat al-mūjaza is a summary by Ibn Ḥazm of his lost *Kitāb Ibtāl al-qiyās wa-l-ra'y wa-l-istiḥsān wa-l-taqlīd wa-l-ta'līl* (→ 37).

Ibn Ḥazm cites his summary as *Kitāb al-Nukat* in *al-Muḥallā* (→ 80) 1/57. Al-Dhahabī mentions it, with its full title, in *Siyar*, 18/196, explaining that it was a small volume (*mujallad ṣaghīr*), and he also cites it in *Tadhkira*, 3/228. In al-Afghānī's edition, which corresponds to al-Dhahabī's description, it has 98 pages. Recently an early reference to this text has been found in Ibn Sahl's critique of Ibn Ḥazm: "Ibn Ḥazm wrote a short work," says Ibn Sahl, "of approximately ten folios, entitled *Kitāb al-Nukat al-mūjaza fī naḥy l-umūr al-muḥdatha fī uṣūl al-dīn min al-ra'y wa-l-qiyās wa-l-istiḥsān wa-l-taqlīd* . . . I have seen a copy in Cordoba," he continues, "and I have transcribed the quotes that I shall give here. Afterwards, I moved to Ceuta during the years 461/1068–470/1077, where one of my pupils gave me another copy, which was read in the presence of Ibn Ḥazm in 437/1046. Then I showed this student the errors that Ibn Ḥazm had committed in it. Once he was convinced, the student tore up and destroyed his copy of the book in front of witnesses" (Kaddouri, "Identificación," 310–31). In fact, the work consists of more than ten folios, and it appears that Ibn Ḥazm composed it before the year 437/1046 or in that year, possibly in Majorca, like his *Kitāb Kashf al-iltibās* (→ 58).

Asín Palacios (*Abenházam*, 1/259) considered the subject of the work to be fundamental for understanding Ibn Ḥazm's attacks against the different schools of jurisprudence which, as we know, defended the five hermeneutic principles of analogy, personal opinion, preference, imitation and causal interpretation. The essential thesis that Ibn Ḥazm defends in this summary, and throughout his theorization and application of *Zāhirism*, is that the only valid criteria for drawing conclusions and rules in religious and juridical matters are reading—according to the linguistic evidence of the common language—of the revealed texts (the Qur'an and the *sunna*), and the consensus of the scholars (*ijmā'*). The other criteria, defended by the remaining juridical schools, are invalid in his view, since they lead us to compare what is sensed with what is transcendent (*qiyās*), to introduce personal subjectivity (*ra'y*, etc), to value teachers (*taqlīd*) above the revelation, or to look for opinions of causality (*ta'līl*) in divine intentions that we cannot judge.

▷ 95. Poetry

In addition to his position as *faqīh*, theologian and historian, Ibn Ḥazm was a poet, and as such was highly praised and recognised in his own day. We have already seen that his disciple al-Ḥumaydī (*Jadhwa*, 2/291) wrote that Ibn Ḥazm had a very wide knowledge of *belles-lettres* (*ādāb*) and poetry, declaring that he had never seen anybody who could improvise

poetry faster than Ibn Ḥazm, and that he composed a good deal of poetry, which al-Ḥumaydī himself said he had collected in alphabetical order. However, in his *Jadhwa* he only passes on some fragments: one of six lines on a pious theme (with the rhyme *-nā*) on the recurring motif of *Ubi sunt?* in which he recalls that the pleasures of the world soon disappear, and joys soon turn to sadness (also in Yāqūt, *Irshād*, 4/1653, who said he had taken it from Ibn Khāqān's *al-Maṭmaḥ*). Al-Ḥumaydī adds that Ibn Ḥazm composed the lengthy *qaṣīda*, which we mentioned when recounting his biography, addressed to the chief *qāḍī* of Cordoba, Abū l-Muṭarrif 'Abd al-Raḥmān b. Aḥmad b. Sa'īd b. Bishr, known as Ibn al-Ḥaṣṣār (d. 422/1030–1), in which he considers himself to be the light of the sciences in the West. This is a well-known poem of the *fakhr*, or boasting, genre for which, moreover, he sees fit to apologize, having extolled his own virtues (*Jadhwa*, 2/492). Al-Ḥumaydī also adds a couplet in which he describes himself as a champion of the sciences of Islam: "To spread and broadcast the sciences through every wasteland and city is my wish in this world/to call out in favour of the Qur'ān and the *sunna*, both forgotten by city-dwellers." This same disciple later quotes three couplets in sapiential style that Ibn Ḥazm himself recited to him. The poetic examples presented by al-Ḥumaydī conclude with another couplet of similar meaning on friendship which survives over distance, since although the body may be far away, the spirit remains near (*Jadhwa*, 2/493; Ibn Khallikān, *Wafayāt*, 3/326).

Ibn Khallikān (*Wafayāt*, 3/326–27), for his part, collects five poetic fragments by Ibn Ḥazm, the first four on separation and love or friendship, and the last is the famous little four-line poem on reproach, which ends with "Do you not see that I am a *Zāhirī*, and that I argue from what is clearly shown?" Ibn Khallikān says he took them from al-Ḥumaydī, the fourth fragment being a couplet that Ibn Ḥazm recited to the latter, his disciple, but addressed to 'Abd al-Malik b. Jahwar, and in which he returns to the separation of friends, which can be overcome with pen and paper.

Yāqūt (*Irshād*, 4/1653–54) transcribes some of the poetical fragments of Ibn Ḥazm mentioned above, saying that he took them from Ibn Khāqān's *al-Maṭmaḥ*. But he adds a vainglorious 5-line poem (rhyme *-ari*), in which he also mentions Iraq, rhyme *-ārī*, and again complains that he is given no credit or merit in his own country, through envy of his literature (*ḥasad 'alā adab*), his knowledge and the purity of his wisdom; while if he were from Iraq his fame would be universal. He concludes that his memory is flying over the furthest horizons, and that there is no smoke without

fire. Al-Maqqarī (*Naḥḥ*, 2/79–84) reproduces some of the poems indicated, such as his famous fragment composed as a result of the burning of Ibn Ḥazm's books ordered by the ruler, al-Mu'taḍid b. 'Abbād in Seville (2/82), and which we reproduced in our biographical sketch of Ibn Ḥazm.

In modern times, Iḥsān 'Abbās (*Tārīkh al-adab al-andalusī: 'Aṣr siyādat Qurṭuba*, Beirut 1981, 370–87) has published six long poems by Ibn Ḥazm on different subject-matters, ascetic, sapiential, in praise of the *ḥadīth* and in condemnation of al-Bukhārī and Muslim, of nostalgia for his family and son while in prison, or in reply to the Byzantine Emperor Nikephoros Phokas. See also *Dīwān* (→ 22).

Yet, as we know, it is in the exceptional work of his youth, *The Ring of the Dove* (→ 130), that Ibn Ḥazm offers us a choice selection of the best of his poetry. Well acquainted with pre-Islamic and classical Arabic poetry, Ibn Ḥazm includes brief poems in the different chapters on love which make up the *Ring*, finally composing a genuine personal *dīwān* of subtle, elaborate and beautiful love poetry. The brevity and refinement of the poems confer a special agility and modernity on this magnificent work. The love poems dispersed throughout the *Ring*, which cover the most varied aspects of love and lovers, together make up Ibn Ḥazm's most significant poetical corpus. It was in this genre that he excelled, together with his verses on ascetic matters, some mentioned above and others included in the *Ring*, which were by no means usual at the time in al-Andalus. On the poetry of Ibn Ḥazm in *The Ring of the Dove*, see García Gómez's introduction to his Spanish translation of the book, and the latter's translation of the poems contained within the work (*El collar de la paloma: tratado sobre el amor y los amantes*, Madrid 1952 [several reprints]).

Ibn Ḥazm also composed poems on Zāhirī law and religious polemic, more closely connected to his habitual role as *faqīh* and polemicist. In this context mention should be made of his *Qaṣīda fī uṣūl fiqh al-zāhiriyya* (→ 96) and his *Jawāb 'alā qaṣīdat Niqāfūr* (→ 141), which we discuss separately, since they have survived as independent texts. On Ibn Ḥazm's poetical ideas, see *Kitāb al-shi'r* (→ 110).

◆ 96. *Qaṣīda fī uṣūl fiqh al-Zāhiriyya*

There are different editions of this *qaṣīda*: (i) by Muṣṭafā al-Waḍīfī and Muṣṭafā Nājī, published under the title, chosen by the editors, of *Qaṣīda fī uṣūl fiqh al-Zāhiriyya*, together with Abū l-Walid b. Khalaf al-Bājī's *al-Ishāra ilā ma'rīfat al-uṣūl* (*Kitāb al-Ishāra ilā ma'rīfat al-uṣūl wa-l-wajāza fī ma'nā al-dalīl, yalīhu Qaṣīda fī uṣūl fiqh al-Zāhiriyya li-Abī Muḥammad 'Alī b. Aḥmad b. Sa'īd Ibn Ḥazm*, Rabat: Markaz Iḥyā' al-turāth al-maghribī, 1988, 33–35); (ii) by Ibrāhīm al-Kattānī in *Majallat Ma'had al-makhtūṭāt al-'arabiyya* (Cairo) 21 (1975); (iii) by Abū 'Abd al-Raḥmān Ibn 'Aqīl in *Nawādir al-Imām Ibn Ḥazm*, Beirut: Dār al-Gharb al-islāmī, 1983, 112.

This is a 50-line *qaṣīda* rhyming in *-da*, in which Ibn Ḥazm enumerates the basics of Zāhirī law, with summarized explanations, with the likely purpose of making the principles of his method easier to memorize and to pass on.

◇ 97. *Qaṣr al-ṣalāt*

Al-Dhahabī (*Siyar*, 18/196) records the treatise as such among Ibn Ḥazm's booklets and single-quire books (*juz' aw kurrās*). On the same subject, Ibn Ḥazm states he wrote a *Kitāb al-Ṣalāt* (→ 107), and in *al-Muḥallā* (→ 80), II–IV, he has an extensive section on the subject.

◆ 98. *al-Qirā'āt al-mashhūra fī l-amṣār*

Eds. Ihsān 'Abbās and Nāṣir al-Dīn al-Asad as an appendix to *Jawāmi'*, 269–71. Ibn Ḥazm quotes it various times as *Kitāb al-Qirā'āt* in *al-Muḥallā* (→ 80), 3/253; 9/228; 10/300 (Chejne, *Ibn Ḥazm*, 308–9).

This is a brief text about the best-known consecutively-narrated Qur'ānic readings (*majī'a l-tawātur*). Although Ibn Ḥazm considered the subject of Qur'ānic readings within his work, as he was obliged to do, he did not specialise in it, as did other Andalusīs, including the other great Zāhirī who emigrated from al-Andalus to Egypt, Abū Ḥayyān al-Gharnāṭī, whose output in this field was comprehensive and varied.

◇ 99. *Qismat al-khums fī l-radd 'alā Ismā'īl al-qāḍī*

Al-Dhahabī mentions this title (*Siyar*, 18/194) explaining that it comprised one volume (*mujallad*). Ibn Ḥazm refers to this work in *Iḥkām* (→ 38), 3/10, after a long tirade of insults directed at those who fail to accept the literal-ity of the Qur'ān, accusing them of unbelief; he quotes the bad example of the opinions expressed by Ismā'īl Ibn Ishāq in his “famous and well-known” book *al-Khums*, “against which we have written a reply (*radd*) correcting the weak points therein.” He goes on to transcribe a passage from the book mentioned, and rebuts it with his characteristic harshness and reliance on the textual evidence of the Revelation. The dispute, of a juridical and hermeneutic nature, refers to the one-fifth part of the spoils of war or of the income of the Muslim which has to be handed over under canon law, and which is supported by certain passages of the Qur'ān and the *sunna*. As to the criticized author of this text about *al-khums*, this must be the Iraqi Mālikī qāḍī Ismā'īl b. Ishāq al-Azdī, who lived between 199/815 and 282/896 (see Kaḥḥāla, *Mu'jam*).

◇ 100. *Risāla fī anna l-Qurʾān laysa min nawʿ balāghat al-nās*

We only know of the existence of this treatise through a reference given by Ibn Ḥazm in the *Fiṣal* (→ 30), 1/107, commented on by Asín Palacios (*Abenházam*, 1/265). Ibn Ḥazm's quote reads: "this demonstrates the certainty of what we have shown, namely, that the Qurʾān is unrelated to any type of rhetoric (*balāgha*) of God's creatures, and that it is situated at a level which God Almighty has prevented all creation from imitating. On this question we composed a meticulous epistle which we addressed to Abū ʿĀmir Aḥmad b. ʿAbd al-Malik Ibn Shuhayd, of which we shall mention here—if Almighty God so wishes—what suffices in our discussion with the Muʿtazilites and Ashʿarites about the creation of the Qurʾān." Ibn Ḥazm thus composed a long and detailed epistle on *ijāz*, which he sent to his friend Ibn Shuhayd (b. 382/992, d. 426/1035), the famous man of letters and poet from Cordoba. He devotes Chapter III of the *Fiṣal* to the same subject, considering, as we said above, that the exceptionality and inimitability of the Qurʾān must be accepted because the Scripture says so, and that any comparison with human eloquence is inadmissible, since it is a transcendent divine creation.

◇ 101. *Taʿlīf fī l-Radd ʿalā anājīl al-naṣārā*

Al-Dhahabī (*Siyar*, 18/197) includes this title among Ibn Ḥazm's booklets or single-quire books (*juzʿ aw kurrās*). It must be a polemic against certain ideas in the Gospels—a subject which is frequently dealt with by our Cordoban *faqīh*, at least in Volume One of the *Fiṣal* (→ 30) (Chapters XV–XX) and 2/2–76, as well as in the now lost *Izhār tabdīl al-yahūd wa-l-naṣārā fī l-Tawrat wa-l-Injīl* (→ 54). It cannot therefore be ruled out that al-Dhahabī's reference to this work may correspond, in part, to one of these two works.

◆ 102. *Risāla fī l-Radd ʿalā Ibn al-Naghrīla al-yahūdī*

Ed. Iḥsān ʿAbbās, *Rasāʾil*, 3/41–70. It has been studied by Emilio García Gómez, "Polémica religiosa entre Ibn Ḥazm e Ibn al-Naghrīla," *al-Andalus* 4 (1936–39), 1–28, where he gives extracts from the text in Spanish translation. Al-Dhahabī (*Siyar*, 18/196) gives it the following title: *al-Radd ʿalā Ismāʾīl al-yahūdī al-lādhī allafa fī tanāqud āyāt*.

This is a work in which Ibn Ḥazm never mentions the name of the person whom he is refuting. It only appears in the title and may therefore be an addition by a later copyist. Various theories have been advanced on the identity of this anonymous Jew: apart from Ismāʾīl Ibn Naghrīla, secretary and later vizier of the Zirid King of Granada, Bādīs b. Ḥabūs, it

has been suggested that it may refer to his son Yūsuf, who succeeded his father Ismāʿīl as vizier; or to a Jewish sceptic belonging to a community in Almeria; or to a fictional person. **On this issue, see also the contribution by Maribel Fierro to this volume.**

This is one of the texts in which Ibn Ḥazm shows his skill in the art of polemic, basing himself on the efficiency of reasoning and the rules of logic. On the other hand, his irritable personality shows through in the language, using a style full of insulting and contemptuous adjectives. In the prologue he presents it as a text in which he rebuts the audacity of a Jew who has dared to attack Islam, pointing out in a book the alleged contradictions of the Qurʾān. He confirms, moreover, that since he did not know this text he made use of a previous refutation, written by a Muslim, through which he learnt the details of the work of the anonymous Jew. The tract may have originated in Ibn Ḥazm's wish to reduce the influence that the Jews exercised in certain courts of al-Andalus.

Al-Radd 'alā Ibn Ishāq → *Qismat al-khums* (→ 99)

Al-Radd 'alā Ibn Zakariyyā' al-Rāzī → *al-Taḥqīq fī naqḍ Kitāb al-'ilm al-ilāhī li-Muḥammad Ibn Zakariyyā' al-Rāzī al-ṭabīb* (→ 117)

◆ 103. *Risālat al-Radd 'alā l-Kindī al-Faylasūf*

Ed. Iḥsān 'Abbās, *Rasā'il*, 4/363–405.

This is a work in which Ibn Ḥazm shows his familiarity with the doctrines of the early Islamic philosophers, particularly with the so-called “Philosopher of the Arabs,” al-Kindī (d. *circa* 252/866), as we can deduce from the beginning of the text, in which he summarizes al-Kindī's definition of philosophy: “Al-Kindī said: you must know, may God grant you happiness, that the highest of human arts in rank and the most noble in degree is the art of philosophy, whose definition is: the knowledge of the realities of things, as far as man is capable” (363), which corresponds to one of the first passages of *Fī l-Falsafa al-ūlā*, one of al-Kindī's main works. In this treatise, Ibn Ḥazm offers an extensive refutation of al-Kindī's metaphysics, centred on the latter's classification of God as a cause (*'illa*), and he bases his argument on one of the principal works of the Eastern philosopher, the above-mentioned *Fī l-Falsafa al-ūlā*, although Ibn Ḥazm's criticism includes texts which are not found in the original text of al-Kindī as it has been preserved. The work shows us an Ibn Ḥazm who is well acquainted with Neo-Platonist doctrines on divine transcendence, and occupied with the Qurʾānic conception of divine creation. Into these deliberations he

introduces the Greek doctrine of causality, confirming the creation out of nothingness as something exclusive to God, and of human liberty within the natural laws given by the Creator, but denying that God is a cause, since from the philosophical point of view every cause is linked to what it causes, which is not the case with God, and since none of the revealed texts names God as cause.

◇ 104. *Kitāb al-Radd ‘alā man i’taraḍa ‘alā l-Fiṣal*

We have only seen this title mentioned by al-Dhahabī (*Siyar*, 18/195), who notes that it refers to Ibn Ḥazm's *Fiṣal* (→ 30) and that this refutation comprises a single volume (*mujallad*).

◆ 105. *Risāla fī l-Radd ‘alā l-hātif min bu’d*

Ed. I. ‘Abbās, *Rasā’il*, 3/119–28. **A translation of this tract by Camilla Adang is forthcoming, “Restoring the Prophet's Authority, Rejecting Taqlid: Ibn Hazm's ‘Epistle to the One who Shouts from Afar,’” *Commanding Knowledge: Religious Authority and Spiritual Power in Islam with Jewish Perspectives*, eds. Daphna Ephrat and Meir Hatina. **

Ibn Ḥazm's reply to those who accused him of being hostile to the great teachers of the juridical and theological schools, saying that this was the outcome of his predilection for the books of the Ancients about logic, particularly those of Euclid and the *Almagest*.

◇ 106. *Kitāb al-Ṣādī‘ wa-l-rādī‘ ‘alā man kaḥḥara ahl al-ta’wīl min firaq al-muslimīn wa-l-radd ‘alā man qāla bi-l-taqlīd*

Quoted, among others, by Ibn Bassām (*Dhakhīra*, 1/170), who is repeated by Yāqūt (*Irshād*, 4/1657), al-Baghdādī (*Hadiyya*, 1/690) or al-Dhahabī (*Siyar*, 18/195), who summarizes the title as follows: *Kitāb al-Radd ‘alā man kaḥḥara al-muta’awwīlīn min al-muslimīn*. He adds that it consisted of one volume (*mujallad*). See also Asín Palacios, *Abenházam*, 1/258. **The text has been edited by Muḥammad Riḍā Anṣārī Qummī on the basis of a unique manuscript owned by Maktabat al-Malik ‘Abd al-‘Azīz al-‘amma in Medina. The edition was published as Ibn Ḥazm, “*Kitāb al-ṣādī‘ fī l-radd ‘alā man qāla bi-l-qiyās wa-l-ra’y wa-l-taqlīd wa-l-istiḥsān wa-l-ta’līl*,” *Pazūhish-hā-yi uṣūlī* 4–5 (1382/2003), pp. 228–269. **2

The title indicates that this was first of all a defence of the faithfulness to Islam of the groups or schools who practiced *ta’wīl*, or hermeneutic interpretation, which was always rejected by Ibn Ḥazm; this was followed by another refutation of *taqlīd*, or imitation of the interpretations of earlier teachers, as a proper way to understand the revealed texts. The theme is, as we know, common in Ibn Ḥazm, from *al-Risāla al-Bāhira* (→ 14) to *Ikḥām* (→ 38), passing through *Ibtāl* (→ 37), *Nukat* (→ 94) or *Fiṣal* (→ 30).

² The editors thank Hassan Ansari for having brought this edition to our attention.

◇ 107. *Kitāb al-Ṣalāt*

Ibn Ḥazm talks about a *Kitāb al-Ṣalāt* written by him in the *Fīṣal* (→ 30), 5/14 (see Asín Palacios, *Abenházam*, 1/262). The regulations and casuistry relative to canonical prayer are a recurring theme in his work. See, for example, the extensive treatise dedicated to prayer in *al-Muḥallā* (→ 80), II–V, which may possibly be the same text referred to by Ibn Ḥazm in the *Fīṣal*. We have already seen that al-Dhahabī also credits him with a *Qaṣr al-ṣalāt* (→ 97).

◇ 108. *Sharḥ aḥādīth al-Muwaṭṭa' wa-l-kalām 'alā masā'ilihī*

Cited as such by al-Baghdādī (*Hadiyya*, 1/690) and by al-Maqqarī (*Nafḥ*, 2/79), although the latter has *ḥadīth* instead of the plural *aḥādīth*. We have already mentioned that al-Dhahabī (*Siyar*, 18/195) mentions a *Kitāb al-Imlā' fī sharḥ al-Muwaṭṭa'* (→ 44), which may refer to the same work. According to Asín Palacios (*Abenházam*, 1/256) this book was only cited by Ibn Ḥayyān and al-Marrākushī, and Ibn Ḥazm may have composed it in his youth, before he abandoned Mālikism to become first a Shāfi'ī and then a Ṣāḥirī.

◇ 109. *Sharḥ Fuṣūl Buqrāt*

Cited by al-Dhahabī (*Siyar*, 18/197) among the medical works that Ibn Ḥazm mentioned in his now-lost *Risāla fī l-Ṭibb al-nabawī* (→ 133).

▶ 110. *Kitāb al-Shi'r*

Ed. Iḥsān 'Abbās, as Part 8 of *Taqrīb*, in *Rasā'il*, 2/354–56. In *Tārīkh al-naqd al-adabī fī l-Andalus*, 310, al-Dāya attributes a *Kitāb al-Shu'arā'* to Ibn Ḥazm, although he is apparently referring to this same *Kitāb al-Shi'r* mentioned here.

This is a brief outline of Ibn Ḥazm's poetic theory, with which he closes his treatise on logic (*Taqrīb*) (→ 123), just after devoting another summary to rhetoric (*balāgha*). He defines poetry according to three basic concepts: *ṣinā'a* (technique), *ṭab'* (naturalness) and, above all, *barā'a* (skill); in this latter concept he was something of an innovator with respect to the usual criticism of the time, which normally centred around the opposition between artificial and natural. Although it is reminiscent of the system of Aristotle's *Organon*, Ibn Ḥazm shows that he was not familiar with the philosopher's *Poetics*, but rather stays within the rich Arabic poetical tradition. He begins by relating poetry to lying, with the oft-repeated Qur'ānic references, but finally accepts that the essence of poetical discourse lies in presenting reality in a different form. The three requisites of poetry are technique (*ṣinā'a*) in metaphorical composition,

naturalness (*ṭab'*), avoiding affectation (*takalluf*), and skill (*barā'a*) in the mastery of subtle and unusual material. Each period had its masters: Imru' al-Qays for the ancients, and for the moderns Ibn al-Rūmī (*Taqrīb*, 355). The model of poetic criticism proposed by Ibn Ḥazm is none other than Qudāma b. Ja'far of Baghdad (d. 337/948), one of the great Arabic writers, whose main preoccupation was to define poetry as a technique, trying to put order into the critical chaos of his time by founding a science of poetics based on Aristotelian logic. Like Ibn Ḥazm, Qudāma insisted that the essence of poetry is lying, not truth ("one should demand from poets fine words and from prophets the truth"). As a final thought, Ibn Ḥazm says that "the character of a poet is not acquired (*laysa muktasab*), but is innate (*jibilla*), although a person who so wishes may increase his natural ability by reading many poems and reflecting on them" (ibid.). For Ibn Ḥazm, then, poetic ability arises from an inborn predisposition and is perfected by training. Poetry is a technique in the service of the sciences of language, consisting of relating expression and contents in the most subtle, perfect and agreeable way possible. Its subject matter is not truth, but falsehood. The best poetry is that which skilfully interweaves unusual meanings in a daring and unconventional way. However, the proper way is for the contents not to encourage vice, but to be adapted in line with ethics and, if at all possible, to teach, for the poet must never neglect his religious duties. See Puerta, *Historia*, 267–273.

◇ 111. *al-Siyāsa*

It is Ibn Ḥazm himself who mentions it in *Taqrīb* (→ 123) (*Rasā'il*, 319), referring to "*Kitābunā fi l-siyāsa*," when defending reason (*'aql*) against the foolishness common among the *hoi polloi* and after referring to his ethical treatise *Akhlāq al-naḥs* (→ 78). As Iḥsan 'Abbās states, and contrary to Chejne (*Ibn Ḥazm*, 310), the context appears to indicate that this work is different from his *Kitāb al-Imāma wa-l-siyāsa* (→ 42), since Ibn Ḥazm mentions it in a philosophical and ethical context; according to 'Abbās this is borne out by the passages, possibly from this work, which Ibn 'Abbād al-Rundī includes in *al-Rasā'il al-ṣuḡhrā*, 51, concerning conduct and how the soul is able to confront arduous tasks with no specific objective or reward.

By contrast, Maribel Fierro notes that there is an anonymous manuscript entitled *Mukhtaṣar min kutub al-siyāsa* preserved in the General Library of Rabat (# 77/2 *qāf*), which glosses the works on this subject written by al-Murādī, Ibn Ḥazm and al-Ṭurṭūshī. **Personal information taken from the (as yet unpublished) database *Historia de los Autores y*

Transmisores de al-Andalus (HATA), on which see Maribel Fierro, “Manuscritos en al-Andalus. El proyecto H.A.T.A. (*Historia de los Autores y Transmisores Andalusíes*),” *Al-Qantara* 19 (1998), 473–502.—Passages from this work as gleaned from *al-Shuhub al-lāmi’a fī l-siyāsa al-mulūkiyya wa-l-siyar al-sultāniyya* by Abū l-Qāsim (or Abū Muḥammad) ‘Abd Allāh b. Yūsuf Ibn Riḍwān and *Badā’i’ al-salk fī tabā’i’ al-malik* by Muḥammad b. ‘Alī b. al-Azraq are published in: Muḥammad Ibrāhīm al-Kattānī, *al-Ijtihād wa-l-mujtahidīn bi-l-Andalus wa-l-Maghrib*, ed. Muḥammad Ḥamza al-Kattānī, Beirut 1425/2004, 133–45.**

al-Sīra al-nabawiyya → *Jawāmi’ al-sīra* (→ 139)

Sīrat al-nabī → *Jawāmi’ al-sīra* (→ 139)

Kitāb fī l-Shu‘arā’ → *Kitāb al-Shi‘r* (→ 110)

◇ 112. *al-Risāla al-Ṣumādihīyya fī l-wa’d wa-l-wa’id*

Al-Dhahabī (*Siyar*, 18/196) mentions this title among Ibn Ḥazm’s booklets or single-quire books (*juz’ aw kurrās*). In the collective manuscript of Ibn Ḥazm’s epistles (Ms. Şehid Ali Paşa # 2704, f. 265), this lost text is mentioned as *Risālat al-Wa’d wa-l-wa’id wa-bayān al-ḥaqq fī dhālika min al-sunan wa-l-Qur’ān*, followed by a comment that “he wrote it for the *amūr* Abū l-Aḥwaş Ma’n b. Muḥammad al-Tujībī” (cf. Iḥsān ‘Abbās, intro. to *Rasā’il*, 1/8).

It is thus an epistle to the founder of the dynasty of the Banū Ṣumādih in Almeria, which governed this *ṭā’ifa* from 433/1041–2 until 446/1054–5. Abū l-Aḥwaş was the father of the famous king al-Mu’taṣim, his successor. The contents must have been theological.

◇ 113. *al-Ta’aqqub ‘alā Ibn al-Ifḥlīlī fī shi’r al-Mutanabbī*

This is attributed to Ibn Ḥazm by various sources, with slight variations in the title. Ibn Bashkuwāl (*Şīla*, 1/274) mentions it in the biography of ‘Abd Allāh b. Aḥmad al-Nubāhī (= al-Bunnāhī) as *al-Radd ‘alā Ibn al-Ifḥlīlī fī shi’r al-Mutanabbī*, adding that al-Bunnāhī, in turn, wrote counter-reply to Ibn Ḥazm (see also al-Nubāhī (= al-Bunnāhī), *Tāriḫ quḍāt al-Andalus... wa-sammāhu Kitāb al-Marqaba al-ulyā fi-man yastahiqqu al-qadā’ wa-l-futyā*, ed. E. Lévi-Provençal, Cairo 1948, 20). Later, al-Dhahabī cites it in *Siyar* (18/197) as *Ta’aqqub*, specifying that it was a booklet or single-quire book (see Iḥsān ‘Abbās, intro. to *Rasā’il*, 1/10).

The text must have been a short commentary criticising some of the opinions of the well-known work of the Cordoban philologist and poet of Syrian origin, Abū l-Qāsim Ibrāhīm b. Muḥammad Ibn al-Ifḥlīlī (b. 352/963, d. 441/1050), entitled *Kitāb Sharḥ fīhi ma‘ānī shi’r al-Mutanabbī*, which is

a commentary on the collection of poems of al-Mutanabbī, published in Beirut in 1988 [**also ed. Muṣṭafā 'Alīyān, in 4 vols., Beirut 1992–98**]. In his *Risāla fī Faḍl al-Andalus* (→ 26) (cf. al-Maqqarī, *Nafh*, 3/173) Ibn Ḥazm speaks very highly of this first commentary on the poetic works of al-Mutanabbī produced in al-Andalus. What we cannot know now are what specific points Ibn Ḥazm considered worthy of criticism in Ibn al-Ifilī's book. On Ibn Ḥazm's poetic criticism see *Kitāb al-Shi'r* (→ 110).

◇ 114. *Kitāb al-Tabyīn fī hal 'alima al-Muṣṭafā a'yān al-munāfiqīn*

Al-Dhahabī (*Siyar*, 18/194) attributes this work to Ibn Ḥazm, stating that it consisted of three quires (*thalāthat karārīs*). By its title we may only assume that the text was concerned with the Prophet, mentioned here by the epithet of "The Chosen One," and his relationship with certain notable hypocrites and liars.

◆ 115. *Tafsīr al-alfāz tajrī bayna l-mutakallimīn fī l-uṣūl*

Ed. Iḥsān 'Abbās, *Rasā'il*, 4/409.

This is a brief dictionary of 76 technical terms used by theologians, all backed up by passages from the Qur'ān. In fact, it is a chapter extracted from *al-Nubdha fī uṣūl al-fiqh aw al-Nubdha al-kāfiya fī uṣūl aḥkām al-Qur'ān* (→ 92). As Iḥsān 'Abbās (*Rasā'il*, 4/409 n. 1) points out, these same definitions are to be found in the chapter entitled "Fī l-alfāz al-dā'ira bayna ahl al-naẓar" of *Iḥkām* (→ 38), 1/35–51, with slight variations.

◇ 116. *Kitāb Tafsīr "Ḥattā idhā stay'asa l-rusul"* [Q 12:110]

It is mentioned by Ibn 'Aqīl ("Mu'allafāt al-Imām Ibn Ḥazm al-mafqūda"), without reference (see Iḥsān 'Abbās, intro. to *Rasā'il*, 1/12). It appears to have been a book or chapter ("*kitāb*") in which Ibn Ḥazm commented on this short fragment of Sūrat Yūsuf.

◇ 117. *Kitāb al-Taḥqīq fī naqd Kitāb al-'ilm al-ilāhī li-Muḥammad Ibn Zakariyyā' al-Rāzī al-ṭabīb*

Ibn Ḥazm, *Fīṣal*, 1/3, 34, and 5/70; it is on the latter page that he gives the title more precisely, as given here. Al-Dhahabī (*Siyar*, 18/195) mentions the work as *al-Radd 'alā Ibn Zakariyyā' al-Rāzī* and states that it consisted of 100 folios.

In these quotes, the first of which is at the very beginning of the *Fīṣal* (→ 38), Ibn Ḥazm states that he confronts in detail the ideas contained in the book of metaphysics (*al-'ilm al-ilāhī*) of Ibn Zakariyyā' al-Rāzī on

the origin of the universe, which had left its mark among many sceptical philosophers in al-Andalus. Ibn Zakariyyā' al-Rāzī, the famous physician and philosopher from Persia, developed a metaphysics derived from Zoroastrianism based on the principles of good and evil, together with those of eternal time, space, and matter. He thus rejected the creation of the world *ex nihilo*. In al-Andalus, al-Rāzī's metaphysical principles were reduced to four: God, the Universal Soul, the Void, and Eternity. Although this book of Ibn Ḥazm's has been lost, the explanation of the doctrines of the followers of al-Rāzī and the replies addressed to them in the *Fiṣal*, 1/24–34, enable us broadly to reconstruct the possible contents of the work (Asín Palacios, *Abenházam*, 1/252–253).

◇ 118. *Risālat al-Ta'kid*

Al-Dhahabī (*Siyar*, 18/196) mentions this treatise among the booklets or single-quire books of Ibn Ḥazm. Nothing is known about its contents.

◇ 119. *al-Talkhīṣ fi a'māl al-'ubbād*

Mentioned by al-Dhahabī (*Siyar*, 18/194) among the booklets or single-quire books of Ibn Ḥazm. The brief treatise perhaps dealt with the actions of devout people.

◆ 120. *Risālat al-Talkhīṣ li-wujūh al-takhlīṣ*

Ed. Iḥsān 'Abbās in *Rasā'il*, 3/143–184.

This is a text offering fifteen questions put forward by friends of Ibn Ḥazm and by followers of the Zāhirī doctrines, on cases of conscience, moral theology and ascetics: on how to gain divine mercy; on the best conduct to achieve salvation; on the admissibility of studying religious and auxiliary sciences, once again dealing with the sciences of language; on the intentions which should lie behind the acquisition of the permitted sciences; on devotional practices; on prayers addressed to God; on the political and religious situation of al-Andalus in his day; and on the degrees of sin.

◇ 121. *al-Talkhīṣ wa-l-takhlīṣ fi l-masā'il al-naẓariyya wa-furū'ihā allāti lā naṣṣ 'alayhā fi l-Kitāb wa-l-hādīth*

Mentioned as such by al-Dhahabī (*Siyar*, 18/194; *Tadhkira*, 3/230), al-Baghdādī (*Hadiyya*, 1/690) and others. This may possibly be a variant of the title of the previously mentioned work, *Risālat al-Talkhīṣ li-wujūh al takhlīṣ* (→ 120).

◇ 122. *Tanwīr al-miqbās*

Mentioned by al-Afghānī (*Ibn Ḥazm*, 54) and Chejne (*Ibn Ḥazm*, 311), without further reference.

◆ 123. *al-Taqrīb li-ḥadd al-manṭiq wa-l-madkhal ilayhi bi-l-alfāz al-‘amma wa-l-amthila al-fiqhiyya*

Ibn Ḥazm's disciple al-Ḥumaydī (*Jadhwa*, 2/490) referred to its contents as follows: "in the language of the common people (*bi-l-alfāz al-‘ammiyya*) and examples from the law, for he [Ibn Ḥazm] has tried to clarify it [logic], to correct the bad opinion held about it, and to contradict those who corrupt it, which as far as we know no one before him has attempted." Ibn Khallikān quotes it with this title (*Wafayāt*, 3/326) and adds that in this work Ibn Ḥazm clarified logic, corrected the misunderstandings about it, and rebutted those who distort it (*muḥarriḥin bihi*) following a path never taken by anyone before him; he adds that Ibn Ḥazm's teacher of logic was Muḥammad b. al-Ḥasan al-Madhḥijī al-Qurtubī, known as Ibn al-Kattānī. According to al-Dhahabī (*Siyar*, 18/195), who cites the work as *Kitāb al-Taqrīb li-ḥadd al-manṭiq bi-l-alfāz al-‘ammiyya*, it consisted of one volume (*mujallad*). In Yāqūt (*Irshād*, 4/1651) **who quotes *Ṭabaqāt al-umam* by Šā‘id al-Andalusī** it is mentioned as *Kitāb al-Taqrīb li-ḥudūd al-manṭiq*, and its contents are explained as follows: in this book "he explained in a simplified way (*bassaṭa*) the methods of knowledge (*tabyīn ṭuruq al-ma‘ārif*), using examples from jurisprudence (*muthul fiqhiyya*) and generalities from Islamic law (*jawāmi‘ shar‘iyya*); he contradicted Aristotle (*khālafa Aristātālīs*), the founder of this science, in some of his principles, showing clearly that he did not know the purpose of this science, nor had he studied his books, and the fact is that [Ibn Ḥazm's] work in this science contains many errors (*kathīr al-ghalaṭ*) and obvious blunders (*bayyin al-saqṭ*)."

The first edition was published by Iḥsān ‘Abbās in a separate volume, Beirut: Dār Maktabat al-Ḥayāt, 1959, and he included a second edition in *Rasā’il*, 4/91–356. **The most recent edition is by ‘Abd al-Ḥaqq ibn Mulāḥiqī al-Turkmānī, together with a study by Abū ‘Abd al-Rahmān Ibn ‘Aqīl al-Zāhirī, Beirut: Dār Ibn Ḥazm li-l-ṭibā‘a wa-l-nashr wa-l-tawzī‘, 2007.**

The book was written while he was in exile, as Ibn Ḥazm relates: "We have composed this book, like many others, while we were in exile and far from our home, our family and our children; moreover, in our soul, we feared injustice and oppression" (*Rasā’il*, 4/346), possibly between 415–6/1025 and 419–20/1029, the dates of his second exile. **Ljamai specifies that the

Taqrīb was composed between 414/1023 and 422/1030 and that it was one of Ibn Ḥazm's earliest works that he completed before *al-Uṣūl wa-l-furū'* (→ 135), *al-Iḥkām* (→ 38) and *al-Fiṣal* (→ 30) (Ljamai 34–6).** It is a text which seeks to set out the criterion or benchmark (*al-mi'yār*) valid for all sciences, as we can read towards the end of the book: "As for the science of logic, we have expounded it in this book: it is the benchmark for every science" (4/349). For logic is the natural result of the gift that God has given to man, and by which He has made him superior to animals: reason and the ability to understand, because logic is universal and may be applied to natural things and religious subjects. This is what makes the book an original compendium, as its subtitle states: it is an introduction to logic through common language and juridical examples, which clarifies its applicability to the religious sciences.

The work opens with a prologue (4/93–104) in which, after showing the major gifts that man has received from God: reason and language, it criticises those who maintain that logic is not necessary because the pious tradition of Islam did not consider it to be so. Ibn Ḥazm's answer is clear: nor did any of the pious ancestors have any need for grammar, yet nowadays nobody denies it; for, as ignorance spread among men, it was necessary to eliminate the ambiguity of the Arabic language in order to understand the word of God. The same may be said of jurisprudence: before, there were no books of law and today they are indispensable. Logic is necessary for four reasons, because of the existence of things, since it helps to clarify them; because of the conception of things in the intellect, for logic helps to give them form and to perceive them in the mind; because of the existence of spoken language, which makes it possible for the speaker and the listeners to communicate, as what is in the mind of the speaker reaches the mind of the listener; and, finally, because of the existence of signs, of which the most important is writing, which permits communication between people separated in space and time (4/95–97).

Some scholars have composed books to classify the different ways of designating things, establishing definitions which make them more easy to understand. Outstanding among them was Aristotle, who composed eight books of logic, in which he set out the definitions of logic. They are therefore very useful. However, people have divided into four groups in reaction to these books: there are those who believe that they contain scepticism and cause heresy to prevail; those who state that they contain incomprehensible discourse; those who read them with an unbalanced mind, perverted desires and an unsound perception, full of contempt for them; and those who consider them with a serene mind, pure reflection

and healthy understanding. In the latter group we see confirmation of the unity of God, for they are witnesses of the division of things and the traces that God has left upon them; they see in these books a pious companion and a true refuge (4/98–100). The reason for this difference of opinion on the books of logic of Aristotle lies in the difficulty of translation and in the use of uncommon and little used terminology. Ibn Ḥazm's intention, therefore, is to "illustrate the meanings of these books by means of easy and simple terminology so that, if God wills, they may be understood equally by the common people, by specialists, by scholars and by the ignorant" (4/100). These books are like powerful medicines, beneficial for those who have a healthy and strong nature, but dangerous for those of a weak and sickly constitution (4/100–2). Ibn Ḥazm sets out to resolve the difficulties presented by the reading of the books of the ancients. He writes this book in order to make clear everything which is difficult in them. "Whoever reads this book of ours will know that these books [of logic] are not just of use for one single science, but for all science. Their usefulness is also very great for the book of Almighty God, for the oral tradition of the Prophet and for *fatwās* on what is permitted and not permitted, what is obligatory and what is tolerated" (4/102).

After the prologue and a study of Porphyry's *Isagoge*, the book deals with the study of logic according to the division of the six books of Aristotle's *Organon*, to which are added *Ars Rhetorica* and *Ars Poetica*, which in Greek tradition, accepted in the Arab world, were included among the books of logic. He analyses them in five groups: 1) The categories (*al-asmā' al-mufrada*) with which Aristotle begins his books (4/134–186), known as the "ten *praedicamenta*," ending with a reference to movement and its classes. 2) The book of propositions (*akhbār*) (4/187–217), about the relationships of some names with others, which is known in Greek as *Peri Hermeneias*. 3) The book of demonstration (*kitāb al-burhān*) (4/218–350), which is the part which, Ibn Ḥazm shows, brings together what Aristotle has dealt with in different books of the *Organon*: in the third, known in Greek as the *Analytic* and the fourth, called the *Apodictic*, both of which aim to elucidate the forms and conditions of demonstration; in the fifth book, entitled *Topics*, which deals with dialectic (*jadāl*), and the sixth, the *Sophistical Refutations*, in which he interests himself in defining those who devote themselves to argument, distancing themselves from the true nature of things and preferring ignorance. So in his third section he deals with the main part of Aristotelian logic: propositions and their conversion, syllogism and its three parts; conditional propositions; the different classes of reasoning, etc. 4) The book of rhetoric (*balāgha*) (4/354–356)

(→ 15), where he sums up what is understood by rhetoric and where he deals with some Arabic authors who have written on rhetoric. 5) The book of poetics (*shi'r*) (→ 110) (4/354–356), where he also outlines what poetry is and alludes to two writers on Arabic poetry. Ibn Ḥazm's *Taqrīb* is thus no more than a summary explanation of what is contained in Aristotle's *Organon* and Porphyry's *Isagoge*, that can be used, in the author's view, in the strictly Muslim area of jurisprudence and theology.

◇ 124. *Kitāb annā tārīk al-ṣalāt 'amd^{an} ḥattā yakhruj waqtuhā qaḍā' 'alayhi fīmā kharaja min waqtihi*

Referred to by Ibn Ḥazm in Ms. Şehid Ali Paşa, # 2704, f. 192 (see 'Abbās, *Rasā'il*, 1/10), saying that "we have a specific and renowned book on this question." Al-Dhahabī also mentions it in *Siyar* (18/195–96) giving a shorter title: *Man taraka al-ṣalāt 'amdan*, including it among the booklets or single-quire books (*fi juz' aw kurrās*) of Ibn Ḥazm. It may perhaps have been a chapter of his *Kitāb al-Ṣalāt* (→ 107). We have already mentioned that a long treatise by Ibn Ḥazm on prayer has survived which is included in his *Muḥallā* (→ 80), II–IV.

◇ 125. *Kitāb al-Tarshīd fī l-radd 'alā al-Kitāb al-farīd li-Ibn Rāwandī fī i'tirāḍihi 'alā l-nubuwwa*

It is mentioned by al-Dhahabī (*Siyar*, 18/195) who adds that it consisted of one volume (*mujallad*).

It must have been another text of religious polemic, addressed this time against Aḥmad b. Yaḥyā b. Ishāq Ibn al-Rāwandī's (d. 298/910–11) criticism of prophecy. The latter hailed from Rāwand, near Isfahan, was executed in Baghdad and is renowned for his numerous works judged to be heretical. **On him, see Sarah Stroumsa, *Freethinkers of medieval Islam: Ibn al-Rawāndī, Abū Bakr al-Rāzī and their impact on Islamic thought*, Leiden 1999.**

◇ 126. *Tartīb su'ālāt 'Uthmān al-Dārimī li-Ibn Ma'in*

Mentioned in al-Dhahabī's list of Ibn Ḥazm's works (*Siyar*, 18/196–197), included among his booklets and single-quire books.

As Chejne (*Ibn Ḥazm*, 312) remarked, the authors referred to must be the Eastern scholars 'Uthmān al-Dārimī (d. 280/894), a renowned traditionist and author of a comprehensive *Musnad* (*Musnad al-Dārimī al-ma'rūf bi-Sunan al-Dārimī*, ed. Ḥusayn Salīm Asad al-Dārānī in 4 vols., Riyadh 2000) and Yaḥyā Ibn Ma'in (d. 233/848), another famous traditionist based in Baghdad, who died in Medina (Ziriklī, *A'lām*, 8/172–173).

There is no evidence in the sources to indicate that there was an exchange of questions between these two, but their speciality in traditions, their names and the context allow us to be almost certain that Ibn Ḥazm had access to their work and that, as he studied it, or in order to teach it, he decided to (re)arrange it, as he did with the *Musnad* of Baqī b. Makhlād (→ 8).

◇ 127. *Kitāb al-Taṣaffuḥ fi l-fiqh*

This is another work of jurisprudence (*fiqh*) attributed to Ibn Ḥazm only by al-Dhahabī (*Siyar*, 18/194), who states that it consisted of one single volume (*mujallad*).

◇ 128. *Tasmiyat al-shu'arā' al-wafidīn 'alā Ibn Abī 'Āmir*

Only al-Dhahabī attributes this to Ibn Ḥazm (*Siyar*, 18/197) among the latter's booklets and single-quire books. The title appears to refer to a list of names, perhaps with some brief comments, of the poets who presented themselves before the famous *ḥājib* Ibn Abī 'Āmir ("al-Manṣūr," d. 393/1002), who established his court in Madīnat al-Zāhira **where he employed Ibn Ḥazm's father as his vizier**, and about whose military campaigns Ibn Ḥazm also wrote (→ 31).

◇ 129. *Tasmiyat shuyūkh Mālik*

Again it is al-Dhahabī (*Siyar*, 18/197) who includes this among the booklets or single-quire books of Ibn Ḥazm. It could be another brief list, perhaps with comments, such as Ibn Ḥazm often made, of the names of the teachers of Mālik b. Anas, the eponymous founder of the Mālikī school of jurisprudence.

◆ 130. *Risālat Ṭawq al-ḥamāma fi l-ulfa wa-l-ullāf*

Known since the mid-19th century, when R.A. Dozy disclosed the only extant codex in the Library of the University of Leiden (# 461 of the Warner Collection). An *editio princeps* was published in 1914 by D.K. Petrof of the University of St. Petersburg (*Tauk-al-hamāmā*, publié d'après l'unique manuscrit de la Bibliothèque de l'Université de Leide, Leiden/St. Petersburg: Brill, 1914). Numerous editions of the text have been published subsequently, including by Iḥsān 'Abbās in *Rasā'il*, 1/84–310.

There have also been translations into numerous languages: into English by A.R. Nykl (Paris 1931) and A.J. Arberry (London 1953), Russian by A. Salil (Leningrad 1933), German by Max Weisweiler (Leiden 1944), Italian by Francesco Gabrieli (Bari 1949), French by L. Bercher (Algiers 1949) **and Gabriel Martinez-Gros (Paris, 1992) and Dutch by Remke Kruk and Jan Just Witkam (Amsterdam 2008)**. It was translated into Spanish by E. García Gómez (*El Collar de la paloma. Tratado sobre el amor y los amantes*, with a prologue by J. Ortega y Gasset, Madrid: Sociedad de Estudios y Publicaciones, 1952; new edition by Alianza Editorial, 1967, with many reissues).

Described by Emilio García Gómez as “the best work of its author and of the whole of Arabic Andalusian literature” (29), it is said to have been written at the request of a friend of his from Almería during his stay in Jativa, around the years 412–3/1022, when the author was 28 years old, according to García Gómez, or about 417–8/1026–7, when he was 32, according to Iḥsān ‘Abbās. The contents of this treatise on love (see L.A. Giffen, *Theory of Profane Love among the Arabs: the Development of the Genre*, New York/London, 1971) have already been examined by M. Asín Palacios (*Abenḥázam*, 1/274–276) and subsequently by García Gómez (*Collar*, 52–71), who defines it as an “Andalusian elegy” (52). It may be described as a reflection on the forms of love and sexual passion, combining poetry and prose in a masterly way, adding extensive information on his life and on the society of al-Andalus at the beginning of the 5th/11th century. **See also Lois Giffen, “Ibn Ḥazm and the Ṭawq al-ḥamāma,” *The Legacy of Muslim Spain*, ed. Salma Khadra Jayyusi, Leiden 1992, 420–442; Camilla Adang, “Love between men in *Ṭawq al-ḥamāma*,” *Identidades marginales*, ed. Cristina de la Puente, Madrid 2003, 111–145.**

It takes the literary form of an epistle addressed to a friend of the author, in which there are traces of Platonic elements and of the *Kitāb al-Zahra* of Muḥammad b. Dāwūd (d. 297/910), whose Zāhirī views were shared by Ibn Ḥazm. The thirty chapters which make up the book have been divided by its author into four groups: the first ten deal with the essentials of love (*uṣūl al-ḥubb*); the next twelve with the accidents and qualities (*a'rāḍ wa-ṣifāt*) of love; another six chapters with the dangers (*āfāt*) which lie in wait for love; and finally the last two chapters deal with the vileness of sin (*qubḥ al-ma'ṣiya*) and on the virtue of continence (*faḍl al-ta'ḥfuf*). A prologue and an epilogue complete the work.

What we find in this work is a philosophy of love, based particularly on the feelings, experiences and personal observations of Ibn Ḥazm, which makes it a text of great originality. It is a philosophy which begins by defining what love consists of, saying that it does not belong to religion or religious law (*sharī'a*), because “every heart is in God's hands,” and love is in the hearts of men, in the very soul of man, for it does not leave him until he dies. The essence of love, described in almost platonic terms, consists of “a conjunction between scattered parts of souls that have become divided in this physical universe,” but not in the sense in which Muḥammad b. Dāwūd affirmed when, based on the opinion of a certain philosopher, he says that “spirits are segmented spheres,” a reference to Plato that García Gómez points out in his preliminary study

(pp. 66–67). Love, then, is union: union which leads the author to write a veritable study on union, capable of giving man life renewed: “One of the significant aspects of love is union. This is a lofty fortune, an exalted-rank, a sublime degree, a lucky star; nay more, it is life renewed, pleasure supreme, joy everlasting, and a grand mercy from God. Were it not that this world below is a transitory abode of trial and trouble, and Paradise a home where virtue receives its reward, secure from all annoyances, I would have said that union with the beloved is that pure happiness which is without alloy, and gladness unsullied by sorrow, the perfect realization of hopes and the complete fulfilment of one’s dreams.” Amatory union is the greatest happiness that man can achieve in this world.

And although he speaks of union in a sense which could be understood as spiritual and religious, the union to which he normally refers is physical union, which is presented as the near perfect state which the lover can attain, a state which is ineffable: “Truly that is a miracle of wonder surpassing the tongues of the eloquent, and far beyond the range of the most cunning speech to describe: the mind reels before it, and the intellect stands abashed.” He describes a great variety of loving relationships, always placing great value on the enjoyment of pleasures when they do not transgress the revealed rules: “it is sufficient for a good Muslim to abstain from those things which God has forbidden, and which, if he choose to do, he will find charged to his account on the Day of Resurrection. But to admire beauty, and to be mastered by love, that is a natural thing, and comes not within the range of Divine commandment and prohibition; all hearts are in God’s hands, to dispose them what way He will, and all that is required of them is that they should know and consider the difference between right and wrong, and believe firmly what is true.”

This work, which in the words of García Gómez presents a “wealth of the author’s own memories: friends, loves, feasts, teachers, dates, references to public events, geographical and other topographical details of Cordoba, allusions to real people and to the powerful,” was not widely circulated, as is shown by the scant references in other works and the fact that it has survived in only one manuscript from the East, completed at the beginning of Rajab 738/January 1338; we do not know the name of the copyist, who admits in the colophon that he suppressed “a large part of the lines in order to leave only the most notable ones, to make it more beautiful, to show off its charms, reduce its volume, and to make it easier to find the extraordinary ideas it expresses.”

◆ 131. *Risālat al-Tawqīf ‘alā shāri‘ al-najāh bi-khtīṣār al-ṭarīq*

Ed. Iḥsān ‘Abbās, *Rasā’il*, 3/131–140. **There is a Spanish translation by Emilio Torno Poveda in *El libro de los caracteres y las conductas: Epístola sobre el establecimiento del camino de la salvación de manera abreviada*, Madrid 2007**.

This is a treatise on the route which leads to salvation, replying to the question of whether it may be obtained through the sciences of the ancients, as the philosophers claim, or through faith in prophetic revelation, as the theologians maintain, affirming the temporary usefulness of the sciences of the ancients, which are philosophy and logic, the science of numbers, geometry, astronomy, astrology (which is a futile science) and medicine. Ibn Ḥazm sets out the three advantages which are deduced from what is revealed to the prophets: the propriety of the customs (*akhlāq*) of the soul; the avoidance of injustice and violence against the lives of men; and, lastly, the attainment of the salvation of the soul. Then he explains the truths that the revelation has disclosed, and which are proved by reason. And among the truths disclosed by revelation and acknowledged by reason is the divine origin of language, confirmed by Ibn Ḥazm in several of his works: “It must necessarily be the fact that He who began the existence of the universe should also be the one who started the teaching of languages and the teaching of the arts; this is unquestionable, for the Most High taught all this to the first man, and he taught the rest of the human race; afterwards the teaching of it spread. This is a necessary conclusive (*burhān*) argument, given by the experience of the senses, which necessarily implies the existence of the Creator and the existence of prophecy. The Creator taught languages, sciences and arts from the beginning, and the existence of the Revelation, which is the teaching of the Prophet” (136–137).

◇ 132. *Tawārīkh a‘māmihi wa-abīhi wa-akhawātihi wa-banīhi wa-banātihi, mawālidihi wa-tārikh man māta minhum fī ḥayātihi*

It is Ibn ‘Aqīl who mentioned this title (“Mu’allafāt al-Imām Ibn Ḥazm al-mafqūda”) without reference (see Iḥsān ‘Abbās, intro. to *Rasā’il*, 1/12). It must have been a brief family chronicle simply listing the names and dates of birth and death of his closest relatives.

◇ 133. *Risāla fī l-Ṭibb al-nabawī*

It is al-Dhahabī (*Siyar*, 18/197) who attributes this work to Ibn Ḥazm. He was apparently the only person who read the work and recorded nine titles about medicine that Ibn Ḥazm had written, according to what the latter stated in this treatise. It is an acknowledged fact that the so-

called *al-ṭibb al-nabawī* is a discipline on which numerous scholars wrote, extracting from the *ḥadīth* the data and teachings in matters of preventive and therapeutic health, that should be observed by believers.

◆ 134. *Risāla fī Ummahāt al-khulafā'*

Ed. Ṣalāḥ al-Dīn al-Munajjid in *Majallat al-Majma' al-'ilmī al-'arabī* 34 (1959), 294–299 and by Iḥsān 'Abbās, *Rasā'il*, 2/119–122.

This brief treatise appears to be no more than a missing passage from the work *Naqt al-'arūs*, completing the history of the caliphs, in which the author records the names of their mothers, beginning with the Prophet and ending with the Andalusīs; the last name mentioned that of the mother of [the last Andalusī Umayyad caliph,] al-Mu'tadd.

◆ 135. *al-Uṣūl wa-l-furū'*

Repeatedly published (i—eds. Muḥammad 'Āṭif al-'Irāqī, Suhayr Faḍl Allāh Abū Wāfiya and Ibrāhīm Ibrāhīm Hilāl, Cairo: Dār al-Nahḍa al-'arabiyya, 1978; ii—ṣaḥḥaḥahu wa-dabaṭahu jamā'a min al-'ulamā' bi-ishrāf al-nāshir, 2 vols., Beirut: Dār al-kutub al-'ilmiyya, 1984) on the basis of the single extant manuscript that is part of Ms. Şehid Ali Paşa (Süleimaniye, Istanbul), # 2704. See Asín Palacios, "Un código," 2, and Iḥsān 'Abbās, intro. to *Rasā'il*, 1/5.

This is a work of some two hundred pages, divided into two parts, in which Ibn Ḥazm summarises many matters of the fundamentals and branches of law and especially theology in an order and from a point of view similar to what he did at greater length in the *Fīṣal* (→ 30); this book gives the impression of being either a synthesis of the contents of the *Fīṣal*, or a preliminary review which was later turned into that other major work. In the first part of *al-Uṣūl wa-l-furū'* the author has devoted several chapters to belief (*īmān*), some of which contradict the opinions of other schools. These are followed by themes of resurrection, paradise and hell; discussions with those who deny the prophets, references to the Prophet in the Pentateuch and the Gospels; **see Camilla Adang, "Some Hitherto Neglected Biblical Material in the Work of Ibn Ḥazm," *al-Masāq* 5 (1992), 17–28**; then follow chapters dedicated, also as in the *Fīṣal*, to Jews, Christians and sceptics. In this first part, the author also dedicates brief chapters to dreams, poverty and wealth, or to the name and that which is named, which is dealt with at length in the *Fīṣal*. The second part contains concise statements on prophecy in women, on children, on the imamate, on magic, on spirits, on astrology, on movement and rest, on the soul and body as defining factors of the human being (*insān*), and on reincarnation. In the final section of the second part the author introduces a series of chapters rebutting the ideas of different schools and beliefs: such as, for

example, those who say that there are prophets among animals, or those who say that the world is eternal. He also replies to the ideas attributed to the followers of the metaphysics of Abū Zakariyyā' al-Rāzī, whom he does not name here, on the cosmos, the universal soul, the void or eternal time; Ibn Ḥazm denies the latter three concepts (see *Kitāb al-Taḥqīq*) (→ 117); he continues with fresh criticism of Christians and of those who say that the Qur'ān is created; and, to finish with, he also attacks the *qadariyya*. This work, although not systematically structured, is, by dint of its theme and the spirit of conflict with the ideas of numerous schools and creeds, a sort of *Fiṣal* in miniature, or a draft of that work. **According to Ljamai the *Uṣūl* cannot be considered to be a systematic resumé of the *Fiṣal*. Moreover, he argues that the work was composed between 420/1029 and 422/1030 (Ljamai 37–42). **

Risāla fī l-wa'd wa-l-wa'id → *al-Risāla al-ṣumādihiyya fī l-wa'd wa-l-wa'id* (→ 112)

♦ 136. *Jamharat ansāb al-'arab*

Ed. E. Lévi-Provençal, Cairo: al-Ma'arif, 1948. Later re-edited by 'Abd al-Salām Muḥammad Ḥārūn, Cairo: Dār al-Ma'arif, 1962, based on three manuscripts: the one owned by Lévi-Provençal, photographed in the Dār al-Kutub in Cairo, letter *hā'*, # 7671; that of the Taymuriyya Library of the Dār al-Kutub in Cairo, letter *bā'*; and that of the al-Shanqīṭī Library, also preserved in the Dār al-Kutub in Cairo, letter *hā'*. On these and the remaining manuscripts of the *Jamhara*, see the introduction by 'A.S. Muḥammad Ḥārūn to his edition, Cairo, 1982, 15–18, which is the edition from which we quote here. Cf. also Elías Terés, "Linajes árabes en al-Andalus según la 'Yamhara' de Ibn Ḥazm," *Al-Andalus* 22 (1957), 55–112 and 337–376. **See also the contribution by Luis Molina to this volume. **

In some inventories, such as that of al-Baghdādī (*Hadīyya*, 1/690), it is mentioned only as *Jamharat al-ansāb*, which is later repeated by Hājī Khalīfa (*Kashf*, 1/605).

This is Ibn Ḥazm's most important and renowned historical work. It is furthermore considered to be the most extensive, rich and accurate book of Arabic genealogies, despite the conciseness with which it is written. In the Cairo edition it consists of 512 pages. As Asín Palacios (*Abenházam*, 1/268) pointed out, Ibn Ḥazm wrote it between the years 422/1030–1 and 432/1040–1, and the text is also later than the *Fiṣal*, which is quoted in the first pages of the work. **This dating needs to be revised in view of what is known today about the period of compilation and revision of the *Fiṣal* (→ 30). ** The composition of such a book indicates the great breadth of knowledge that Ibn Ḥazm possessed on lineages, traditionists, biographies and chronicles, and his enormous capacity for summary and

systematisation. In the *Jamhara*, Ibn Ḥazm notes the names of every Arab tribe, with its ramifications, and mentions many of the famous personalities of each family, from East and West, where he frequently indicates the regions of al-Andalus in which the Arab tribes settled. An outstanding feature of the book as a whole is the mention of the companions of the Prophet and the transmitters of prophetic traditions, one of the specialties of the author, to which he dedicated monographic works, as well as of the most noteworthy members of the family and descendants of the Prophet, and the caliphs, their sons and the most outstanding rulers and governors, with their lineage included. But the work acquires even greater documentary value because Ibn Ḥazm records, throughout his exposition of Arabic genealogies, the most important historic, social and literary events which affected such-and-such a lineage or person, as well as inserting sayings and carefully checked pieces of information about the history of the Arabs. Meanwhile, Ibn Ḥazm here makes use of his most readable style, in order to avoid falling into the dryness to which a genealogical tract seems doomed. On the other hand, the accuracy with which Ibn Ḥazm indicates the origin of the Arab tribes that came to al-Andalus and the Maghrib, as well as the governors and personalities belonging to them, makes the *Jamhara* an invaluable source for the knowledge of the history of al-Andalus, and is regularly consulted by historians of that period of Islam. Since it indicates the cities and places linked to these tribes, the work is equally useful in matters of toponymy. Towards the end of the book, Ibn Ḥazm inserts a comparison on the excellence of the tribes of 'Adnān and Qaḥṭān (*Jamhara*, 487–490), as the two great families from which all Arabs proceed, together with the tribe of Quḍā'a, that was connected to the former two. Some manuscripts here add a chapter on the religions of the Arabs and their idols: it is not clear whether this was later added by Ibn Ḥazm himself or by some copyist. The book is concluded with a chapter on the "lineages of the Berbers" (*nasab al-barbar*), Orientals, Maghribīs and Andalusīs (*Jamhara*, 495–502), essential for this subject, and which Ibn Khaldūn used as the basis for writing his *Kitāb al-Ibar*, as he himself admits; there are also respective notes on the genealogies of the "children of Israel," which he bases on his familiarity with the Torah **in Arabic translation**, and of the kings of Persia. This final part also includes a famous and interesting commentary on the Banū Qasī, a *muwallad* dynasty descended from the "count of the upper march," a Goth converted to Islam after the conquest of al-Andalus (*Jamhara*, 502–503).

♦ 137. *al-Jāmi‘ fi ṣaḥīḥ al-ḥadīth bi-khtīṣār al-asānīd wa-l-iqtīṣār ‘alā aṣaḥḥihā wa-ijtilāb akmal alfāẓihā wa-aṣaḥḥ ma‘ānīhā*

Various sources attribute this work to him, such as Ibn Bassām (*Dhakhīra*, 1/170), who gives the full title as mentioned above, and al-Dhahabī (*Tadhkira*, 3/230; *Siyar*, 18/194), al-Baghdādī (*Hadiyya*, 1/690) and others, who give an abbreviated version. See Asín Palacios, *Abenházam*, 1/255–256.

This is a work that explicitly dealt with *ḥadīth*, and in which Ibn Ḥazm must have offered a compendium of prophetic traditions, selecting those that were considered most reliable and only giving a summary of the chains of transmission. The work may be related, at least through its subject matter, with *Ajwiba ‘alā Ṣaḥīḥ al-Bukhārī* (→ 13).

◇ 138. *Kitāb al-Yaqīn fi l-naqd ‘alā l-mulḥidīn al-muḥtājīn ‘an Iblīs al-la‘īn wa-sā’ir al-kāfirīn*

Ibn Ḥazm refers to it stating in his *Fiṣal* (→ 30) (3/206) that “we possess a great book (*kitāb kabīr*) in which we criticize the sophisms of this corrupt doctrine, addressed to one of those men called ‘Aṭāf b. Dūtās ** (or Dūnās) **, who was from Qayrawān in Ifrīqiyya,” then, in the *Fiṣal*, 4/206–207, he provides the name of the complete book as we have given here, and explains that the said theologian from Qayrawān was an Ash‘arite who had written a work defending such doctrines. Al-Dhahabī (*Siyar*, 18/195) changes the title slightly, *Kitāb al-Yaqīn fi l-naqd tamwīh al-mu‘tadhīrīn ‘an Iblīs wa-sā’ir al-mushrikīn*, confirming that it was a large volume (*mujallad kabīr*). It must therefore have been an extensive work dedicated to the refutation of different Ash‘arite and Mu‘tazilite doctrines on matters of faith (see Asín Palacios, *Abenházam*, 1/264 and 5/101–106).

♦ 139. *Jawāmi‘ al-sīra*

Ed. Iḥsān ‘Abbās, Beirut 1956. There is another edition, entitled *Jawāmi‘ al-sīra wa-khams rasā’il ukhrā*, by Iḥsān ‘Abbās and Nāṣir al-Dīn al-Asad, and revised by Aḥmad Muḥammad Shākir, Cairo: Dār al-Ma‘rifa, n.d. It includes an introductory study on the activity of Ibn Ḥazm as historian and biographer of the Prophet (5–25). The title is imprecise. Al-Dhahabī (*Tadhkira*, 230) mentions that it consisted of one volume (*mujallad*), al-Baghdādī (*Hadiyya*, 1/690) and others refer to it as *al-Sīra al-nabawīyya*, which is also the name carried by the copy of the manuscript in the Manuscript Institute of the Arab League (in the al-Ḥabibiyya Library in India), of which there is another copy in the Staatsbibliothek zu Berlin (Ms. Petermann 594; cf. Wilhelm Ahlwardt, *Verzeichniss der arabischen Handschriften der Königlichen Bibliothek zu Berlin* 1–10, Berlin 1887–99 [repr. Hildesheim 1981], vol. 9, p. 110f. # 9510); this is a late copy from the year 1354/1935–6, based on another older manuscript preserved in the ‘Arif Ḥikmat Library in Medina, which goes back to the year 776/1374–5, some thirty years after the death of Abū Ḥayyān al-Gharnāṭī, who learnt and transmitted this work by Ibn Ḥazm and may have disseminated it to various Zāhirīs and other scholars, both of al-Andalus and of Egypt. ** On its transmission, see the contribution of Camilla Adang to this volume. ** The editors decided to call the text *Jawāmi‘ al-sīra*

based on the fact that al-Khuzā'ī (b. 710/1310–1, d. 781/1379–80) cites it in this way which, besides, conforms more closely to Ibn Ḥazm's text (intro. to *Jawāmi' al-sīra*, 15).

This is a biography of the Prophet, in 250 pages in the Cairo edition, written in an informative and accessible form for Ibn Ḥazm's disciples, as we are by now accustomed to find in many of the historical works of the *faqīh* from Cordoba. In addition, for a *Ẓāhirī* like himself, the historical events relating to the Prophet, the beginning and transmission of the revelation, are essential for the development and application of his doctrine. The author himself declares in his *Fiṣal* (→ 30) (2/90) that “if [Muḥammad] had wrought no miracle other than his own life—may God bless him and grant him peace—it would have been sufficient.” He narrates precisely and intensely the life of the Prophet, born in the land of ignorance, himself illiterate, and never having briefly left his country more than twice, both times to Syria, since he was poor and self-sacrificing, and confidently outlines his historical and moral character. For him, the Prophet, not only in this biography, but in all his approaches to him is not only the central figure of the revelation, but also the practical model of moral perfection. Ibn Ḥazm mentions two sources for his work: the history of Hassān al-Ziyādī and the history of Khalifa b. Khayyāt, both now lost, though fragments of both have survived indirectly. It is, moreover, clear that Khalifa's history reached al-Andalus at an early stage, through Baqī b. Makhlad, the greatest commentator and traditionist in the eyes of Ibn Ḥazm (→ 1). It is also clear that Ibn Ḥazm based himself to a large extent on Ibn Ishāq's biography of the Prophet, especially concerning military campaigns and the names of the Muslim and non-Muslim witnesses, those who fell as martyrs, etc. Even so, a mind as encyclopaedic as that of Ibn Ḥazm took far more references than these into account. Obsessed as he was with the precision of his information, his life of Muḥammad is notable for his conviction in determining dates and events, such as when he considers that the month of Rabī' I, when the Prophet emigrated to Medina, should be taken as the first month of the year of the *hijra*, instead of Muḥarram, which is the month which traditionally opens the Islamic year. Ibn Ḥazm always gives an impression of certainty in his historical judgements because of the detail and consistency with which he tackles them. Another characteristic is that of applying his *Ẓāhirī* method to narrating these historical events. The revealed text inevitably takes precedence over other interpretations which defy the evidence of the divine word. His style in writing history, moreover, tends towards brevity, and he avoids the anecdotes, poems and adornments so frequent in other authors.

◆ 140. *Risala fī jumal futūḥ al-Islām*

Ed. Iḥsān ‘Abbās, *Rasā’il*, 2/125–133 and, previously, in *Jawāmi‘*, 339–350.

The full title, given in the edition appended to *Jawāmi‘* (→ 139), is *Jumal futūḥ al-Islām ba’dā Rasūl Allāh*. This is a summary of the conquests by the Muslims after the death of the Prophet, up to the year 431/1039–40, written in a very sketchy form. The author may have written it based on the *Futūḥ al-buldān* by al-Balādhurī (d. 279/892) (intro. to *Jawāmi‘*, 24)

◆ 141. *Jawāb ‘alā qaṣīdat Niqāfūr za’īm al-rūm allatī wajjāha bihā ilā l-Muṭī‘ li-llāh Amīr al-mu’mīnīn*

Both al-Subkī (*Tabaqāt*, 2/84) and Ibn Kathīr (*Bidāya*, 11/247–252) reproduce this reply of Ibn Ḥazm in the form of a *qaṣīda* which has been published by Iḥsān ‘Abbās in *Tārikh al-adab al-andalusī: ‘Aṣr siyādat Qurṭuba*, Beirut ⁶1981, 374–382. See Asín Palacios, *Aben-házam*, 1/277–278. **See also *Dīwān al-Imām Ibn Ḥazm al-Zāhirī*, ed. Ṣubḥī Rashād ‘Abd al-Karīm, Tanta 1410/1990.**

This is an extensive poem in *mīm* (*mīmīyya*) rhyme scheme of 136 lines (although Ibn Khayr, *Fahrassa*, 409, said that it consisted of 139 lines) composed by Ibn Ḥazm in reply to one written by an “unbelieving poet,” the Byzantine King Niqāfūr (Nikephoros Phokas, r. 963–9), and sent to the Abbasid caliph al-Muṭī‘ (successor to al-Mustakfī) after the Christians conquered some frontier territories of Islam (Crete, and then Cyprus, Cilicia and part of Syria). According to the sources quoted, when this poem arrived in al-Andalus and was read before the caliph (*majlis al-khilāfa*) of the caliph al-Mu’tadd bi-llāh (i.e., Hishām III, r. 420–2/1029–31), the *faqīh* Ibn Ḥazm flew into a rage, although it was directed against a Muslim sovereign from the Mashriq. If the sources are to be believed, he improvised this long poem in the defence of God, his Messenger and Islam.

As Iḥsān ‘Abbās points out, the ode of Nikephoros to al-Muṭī‘ was replied to in another two *qaṣīdas* at least: the first was composed on the direct orders of al-Muṭī‘ by Abū Bakr al-Qaffāl al-Shāshī, and the second by Abū al-Aṣbagh ‘Īsā b. Mūsā Ibn Zarwāl al-Gharnāṭī (Ibn al-Khayr, *Fahrassa*, 409; cf. Iḥsān ‘Abbās, 364 n. 1). The *qaṣīda* sent by Nikephoros Phokas, together with the reply of al-Qaffāl, a Shāfi‘ī scholar, circulated in al-Andalus and was presented in various educational forums as a subject of discussion. Ibn Ḥazm wanted to emulate al-Qaffāl’s *qaṣīda*, although he does not exercise his normal theological subtlety, but stresses the Christians’ defeats in war. The text of this *qaṣīda* of Ibn Ḥazm which has come down to us, although full of errors and alterations, according to the sources, is tinged with a quarrelsome and high-flown tone against the Byzantines and in favour of Islam and its victories in the Mediterranean and the whole known world.

◇ 142. *Mu'allaf fi l-Ḍā' wa-l-ḏād*

Cited thus by al-Dhahabī (*Ṣiyar*, 18/197) among Ibn Ḥazm's booklets or single-quire books, this may have been a short work or chapter for another longer work about these letters of the Arabic alphabet which, from an orthographical point of view sometimes present confusion, and which many grammarians sought to distinguish and organize.

◇ 143. *Zajr al-ghāwī*

We know nothing more about this work than the brief allusion from al-Dhahabī (*Ṣiyar*, 18/196), to which he adds that it consisted of two quires (*juzʿān*). He includes it among the booklets and single-quire books of Ibn Ḥazm.

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